

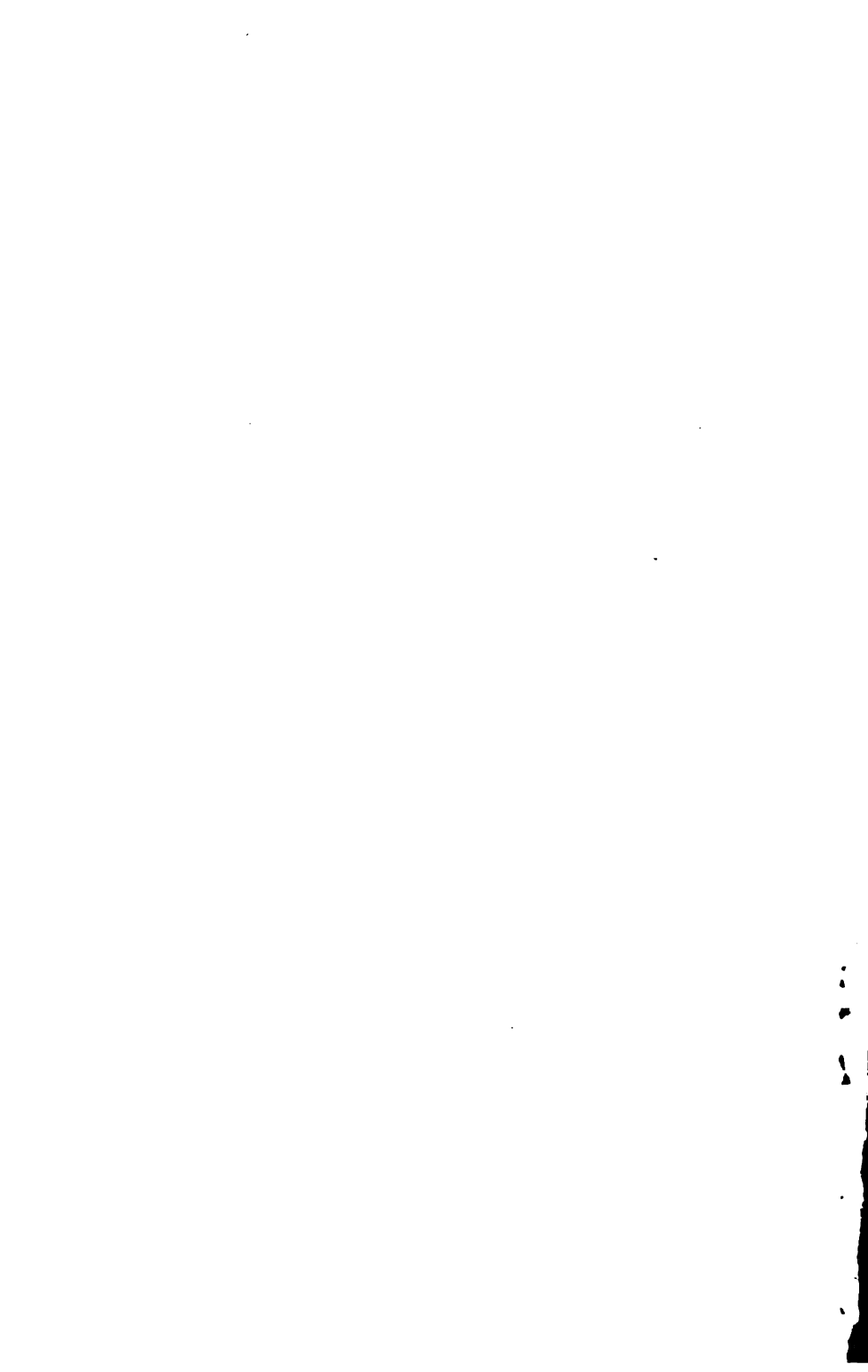


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THE
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OF
THE UNITED KINGDOM
OF
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A
T A B L E

Containing the TITLES of all

T H E S T A T U T E S ,

Passed in the FOURTH Session of the FOURTEENTH
Parliament

or

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

7° & 8° VICTORIÆ.

PUBLIC GENERAL ACTS.

1. AN Act to enlarge the Powers of an Act of the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis, on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London*. Page 1
2. An Act for the more speedy Trial of Offences committed on the High Seas. 4
3. An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time. 6
4. An Act for transferring Three Pounds Ten Shillings *per Centum per Annum* Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities. 10
5. An Act for transferring certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* and Government Debentures into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities. 25
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8. An Act to facilitate the Recovery, by summary Process, of small Sums due to the Teachers of Schools in *Ireland*. 41
9. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. 42
10. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-five. 56
11. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. *Ibid.*
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13. An Act to extend until the First Day of *January* One thousand eight hundred and forty-five, and to the End of the then next Session of Parliament, the Time within which Conveyances may be made on behalf of the Crown of, and Disputes settled with regard to, Encroachments in the Forest of *Dean*. 80
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15. An Act to amend the Laws relating to Labour in Factories. *Ibid.*
16. An Act to amend the Laws relating to the Customs. 118
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18. An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*. 125
19. An Act for regulating the Bailiffs of Inferior Courts. 128
20. An Act to amend an Act of the First and Second Years of Her present Majesty, for securing the Debt due by the City of *Edinburgh* to the Public. 130
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22. An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in *England*. 137
23. An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*. 148

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26. An Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade. *159*
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29. An Act to extend an Act of the Ninth Year of King *George* the Fourth, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game. *169*
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31. An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*. *172*
32. An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of *England* certain Privileges for a limited Period. *187*
33. An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties. *200*
34. An Act to amend and continue until the First Day of *September* One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in *Scotland*. *205*
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48. An Act to repeal certain Acts for regulating the Trade in Butter and Cheese. 246
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50. An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons. 250

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54. An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Act to amend the Laws relating to Loan Societies. *Ibid.*
55. An Act to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. *Ibid.*
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57. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*. *260*
58. An Act further to stay, until the End of the next Session of Parliament, Proceedings in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any similar Proceedings being taken under those Statutes during such further limited Time. *Ibid.*
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60. An Act to provide for the Care and Preservation of *Trafalgar Square* in the City of *Westminster*. *265*
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63. An Act to continue until the First Day of *June* One thousand eight hundred and forty-five an Act of the Second and Third Years of His late Majesty, for restraining for Five Years, in certain Cases, Party Processions in *Ireland*. *269*
64. An Act to provide for paying off such of the Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures which are to be paid off under Two Acts passed in the present Session of Parliament. *270*
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LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- i. AN Act to enable the *Ribble* Navigation Company to raise a further Sum of Money; and to enable the Owners of reclaimed Lands to pay a Sum in gross in lieu of the annual Rents. *Page 911*
- ii. An Act to effectuate the Sale by the *Bolton and Preston* Railway Company of their Railway and other Property and Effects to the *North Union* Railway Company; to incorporate with such last-mentioned Company the Proprietors of the *Bolton and Preston* Railway; and to consolidate Shares into Stock. *Ibid.*
- iii. An Act to amend the several Acts relating to the *Great Western*, the *Cheltenham and Great Western Union*, and *Oxford* Railways; to amalgamate the Two last-mentioned Railways with the *Great Western* Railway; and to authorize the Formation of additional Works at *Cheltenham* by the *Great Western* Railway Company. *Ibid.*
- iv. An Act to amend and enlarge some of the Provisions of the Act authorizing the Construction of the *Yarmouth and Norwich* Railway, and to authorize the Construction of certain new Works in connexion therewith. *912*
- v. An Act for making a Railway from the *London and South-western* Railway to *Guildford* in the County of *Surrey*. *Ibid.*
- vi. An Act for providing for the Liquidation of the Debt owing by the Charity Workhouse of the City of *Edinburgh*, for regulating the Assessment for Relief of the Poor of the said City, and for other Purposes relating thereto. *Ibid.*
- vii. An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty, for abolishing certain Petty and Market Customs in the City of *Edinburgh*, and granting other Duties in lieu thereof. *Ibid.*
- viii. An Act for establishing a Market in the Town of *Glossop* in the County of *Derby*. *Ibid.*
- ix. An Act to amend the Powers and Provisions of an Act of the First Year of King *William* the Fourth, for making the River *Waveney* navigable for Ships and other Seaborne Vessels from *Rosehall Fleet* to the Mouth of *Oulton Dyke*, and for making and maintaining a navigable Cut from the said River into the said Dyke. *Ibid.*
- x. An Act to alter and extend the Provisions of an Act for improving the Navigation of the River *Severn*. *Ibid.*
- xi. An

- xi. An Act for enabling the Company of Proprietors of the *Birmingham Canal Navigations* to borrow a further Sum of Money; and to extend and alter some of the Provisions of their present Acts. Page 913
- xii. An Act for more effectually lighting with Gas the Borough and Parish of *Rochdale* in the County of *Lancaster*. *Ibid.*
- xiii. An Act to amend and enlarge the Provisions of Two several Acts, for lighting with Gas the Town of *Liverpool* and certain Places adjacent thereto. *Ibid.*
- xiv. An Act for regulating legal Proceedings by or against the *Durham County Coal Company*, and for other Purposes. *Ibid.*
- xv. An Act for making a Railway from *Norwich* to *Brandon*, with a Branch to *Thetford*. *Ibid.*
- xvi. An Act for maintaining a Railway from the *Manchester and Leeds Railway* to *Heywood*; and for amending the Acts relating to the *Manchester and Leeds Railway*. *Ibid.*
- xvii. An Act for enabling the *Manchester and Birmingham Railway Company* to vary the Line of their Branch Railway to *Macclesfield*, and to make another Branch therefrom; and for amending the former Acts relating to the said Company. *Ibid.*
- xviii. An Act to consolidate the *North Midland, Midland Counties, and Birmingham and Derby Junction Railways*. *Ibid.*
- xix. An Act to rectify a Mistake as to the Proceedings on the *Eastern Counties Railway Bill* and the *Eastern Counties Railway (Brandon and Peterborough Extension) Bill*. 914
- xx. An Act to authorize the letting on Lease to the *Eastern Counties Railway Company* of the Railways and Works of the *Northern and Eastern Railway Company*, and to give Effect to certain Arrangements entered into by the said Companies, and to amend and enlarge some of the Provisions of the Acts relating to the first-named Company. *Ibid.*
- xxi. An Act for vesting the *Leeds and Selby Railway* in the *York and North Midland Railway Company*, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway. *Ibid.*
- xxii. An Act for making a Railway from *Rampside* and *Barrow* to *Dalton, Lindale, and Kirkby Ireleth*, in the County Palatine of *Lancaster*, to be called "The *Furness Railway*." *Ibid.*
- xxiii. An Act to amend an Act for maintaining the Pier and Harbour of *Newquay* in the County of *Cornwall*, and to make certain Tram Roads in connexion therewith. *Ibid.*
- xxiv. An Act for regulating, maintaining, and improving the Port of *Padstow* in the County of *Cornwall*, and the navigable Parts of the River *Camel* or *Allen* in the same County. *Ibid.*
- xxv. An Act to enable the *South-eastern Railway Company* to make a Railway from the said *South-eastern Railway* near *Ashford* to the City of *Canterbury* and the Towns of *Ramsgate* and *Margate*, and to join the *Canterbury and Whitstable Railway*. *Ibid.*

- xxvi. An Act for enabling the *Pontop and South Shields* Railway Company to widen a Part of their Railway, and to make a Branch therefrom; and for other Purposes. *Page 914*
- xxvii. An Act for authorizing the Sale of the *Durham Junction* Railway to the *Newcastle and Darlington Junction* Railway Company; and for enabling the said Company to make a Station at *Gateshead*, with a Bridge and Approaches, to connect the said last-mentioned Railway with the Town of *Newcastle-upon-Tyne*; and for other Purposes. *915*
- xxviii. An Act for making a Harbour and Dock near to *Hartlepool* in the County of *Durham*. *Ibid.*
- xxix. An Act for dividing, allotting, and inclosing Lands in the Hamlet of *Thetford* in the Parish of *Streatham* in the *Isle of Ely* and County of *Cambridge*; and for draining and embanking certain Parts of the said Lands, and other Lands in the said Hamlet, and in other Parishes in the said *Isle* and County. *Ibid.*
- xxx. An Act for granting certain Powers to "The New *British Iron Company*." *Ibid.*
- xxxi. An Act for enabling the Northern Coal Mining Company to raise Money for paying off existing Debts of the Company. *Ibid.*
- xxxii. An Act to authorize the Purchase of "*Monk's Ferry*" by the Commissioners for the Improvement of *Birkenhead*, *Claughton-cum-Grange*, and Part of *Oxton*, in the County of *Chester*, and for amending the Acts relating to the said Commissioners. *Ibid.*
- xxxiii. An Act for opening certain Streets and otherwise improving the Town of *Salford*; and for amending an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, for better cleansing and improving the said Town of *Salford* in the County Palatine of *Lancaster*. *Ibid.*
- xxxiv. An Act for making a Railway from the Town of *Blackburn* to the *North Union* Railway in the Township of *Farrington* near *Preston*, all in the County of *Lancaster*. *916*
- xxxv. An Act to enable the *Northern and Eastern* Railway Company to make certain Deviations in the Line of their Railway between *Bishops-Stortford* and *Newport*; and to alter and amend the Acts relating to the said Railway. *Ibid.*
- xxxvi. An Act to amend the Acts relating to the *Maryport and Carlisle* Railway, and for making certain Extensions and Branches connected therewith. *Ibid.*
- xxxvii. An Act for making a Railway from the *Lancaster and Preston Junction* Railway at *Lancaster* to or near to the City of *Carlisle*. *Ibid.*
- xxxviii. An Act for extending and amending some of the Powers and Provisions of the Act relating to "The *Leeds New Gas Company*." *Ibid.*
- xxxix. An Act to enable the *Globe* Insurance Company to alter and amend some of the Provisions of their Deed of Settlement. *Ibid.*

The TITLES of the STATUTES,

- xi. An Act for the good Government and Police Regulation of the Borough of *Manchester*. Page 916
- xli. An Act for the Improvement of the Town of *Manchester*. *Ibid.*
- xlii. An Act for amending and rendering more effectual an Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of *Lakenheath* and *Brandon* in the County of *Suffolk*. 917
- xliiii. An Act to enable the President, Treasurers, Deputy Treasurers, Benefactors and Subscribers, of and to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum to enlarge the said Infirmary, and to purchase and hold Land for the Erection of a new Lunatic Hospital or Asylum. *Ibid.*
- xliv. An Act to amend an Act for altering and amending several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan*. *Ibid.*
- xlv. An Act for uniting the *Sheffield* Gas Light Companies. *Ibid.*
- xlvi. An Act to facilitate the Settlement of the Affairs of the *British Iron Company*. *Ibid.*
- xlvii. An Act to enlarge the Powers granted by an Act passed in the Second Session of the Fifth Year of Her present Majesty, intituled *An Act for regulating legal Proceedings by or against the Cwm Celyn and Blaina Iron Company, and for granting certain Powers thereto*. *Ibid.*
- xlviii. An Act for regulating legal Proceedings by or against "The *European Life Insurance and Annuity Company*," and for granting certain Powers thereto. *Ibid.*
- xlix. An Act for making and maintaining a Turnpike Road from *Sidmouth* to *Collumpton*, and also to or near to *Hele Mill* in the Parish of *Bradninch*, all in the County of *Devon*. *Ibid.*
- l. An Act to amend Three Acts, for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Counties of *Kent* and *Sussex* draining into the River *Rother* and Channel of *Appledore*. 918
- li. An Act to alter and amend an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for the better Protection of Property in the Borough of *Liverpool* from Fire. *Ibid.*
- lii. An Act to explain and amend the Acts incorporating the *British Society* for extending the Fisheries and improving the Sea Coasts of the Kingdom; for enlarging and improving the Harbour of *Pulteney Town* in the County of *Caitness*; and for lighting, cleansing, and improving the said Town, and better supplying the same with Water. *Ibid.*
- liiii. An Act for amending certain Acts for paving, cleansing, and lighting the Streets and other public Passages and Places within the City and Borough of *Canterbury*. *Ibid.*
- liv. An Act for improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation, within the Town and County of the Town of *Southampton*. *Ibid.*
- lv. An

- lv. An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company. Page 918
- lvi. An Act for better supplying with Water the Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John the Baptist*, in the City of *Coventry* and County of *Warwick*. *Ibid.*
- lvii. An Act for amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*; and for making certain Improvements within the said Town. 919
- lviii. An Act to authorize an Extension of the *Edinburgh and Glasgow* Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway. *Ibid.*
- lix. An Act for making a Railway from *Leeds* to *Bradford*, with a Branch to the *North Midland* Railway. *Ibid.*
- lx. An Act for making a Railway from the *Manchester and Bolton* Railway in the Parish of *Eccles* to the Parish of *Whalley*, all in the County Palatine of *Lancaster*, to be called The *Manchester, Bury, and Rossendale* Railway. *Ibid.*
- lxi. An Act for enabling the *York and North Midland* Railway Company to make a Railway from *York* to *Scarborough*, with a Branch to *Pickering*. *Ibid.*
- lxii. An Act to enable the *Eastern Counties* Railway Company to make a Railway from the *Northern and Eastern* Railway at *Newport*, by *Cambridge*, to *Ely*, and from thence Eastward to *Brandon* and Westward to *Peterborough*. *Ibid.*
- lxiii. An Act to make a Branch Railway from the *London and South-western* Railway to *Salisbury*. *Ibid.*
- lxiv. An Act for making a Railway from the Town and Port of *Whitehaven* to the Town and Port of *Maryport* in the County of *Cumberland*. *Ibid.*
- lxv. An Act for making a Railway from *Chester* to *Holyhead*. 920
- lxvi. An Act for making a Railway from the City of *Edinburgh* to the Town of *Berwick-upon-Tweed*, with a Branch to the Town of *Haddington*. *Ibid.*
- lxvii. An Act for making a Railway from the *Shoreham* Branch of the *London and Brighton* Railway to *Chichester*. *Ibid.*
- lxviii. An Act for making a Railway from *Exeter* to *Plymouth*, to be called "The *South Devon* Railway." *Ibid.*
- lxix. An Act to enable the *South-eastern* Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of *Folkestone*, and to construct other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the *Maidstone* Branch of the said *South-eastern* Railway; and to amend the Acts relating to the said Company. *Ibid.*
- lxx. An Act for making a Railway to connect the *Edinburgh and Glasgow* and *Slamannan* Railways. *Ibid.*
- lxxi. An

- lxxi. An Act for making a Junction Railway from the *Eastern Counties Railway* at *Stratford* in the County of *Essex* to the *River Thames*, with a Branch Railway therefrom; and for constructing a Pier in the *River Thames*. Page 920
- lxxii. An Act for repairing, maintaining, and improving the Road from *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a Place called *Bents* to or near *Dunford Bridge*, all in the West Riding of the County of *York*. *Ibid.*
- lxxiii. An Act for more effectually repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry*. 921
- lxxiv. An Act for uniting the *York Gas Light Company* and the *York Union Gas Light Company*, and for more effectually lighting with Gas the City of *York* and the Suburbs and Vicinity thereof, in the County of *York*. *Ibid.*
- lxxv. An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of *Southampton*, and for removing and preventing Nuisances and Annoyances therein. *Ibid.*
- lxxvi. An Act for enabling the Mayor, Aldermen, and Burgesses of the City of *Coventry* to make certain Improvements, to provide a Residence for the Judges during the Assizes in the said City, and to establish a Cemetery for the Dead near the said City. *Ibid.*
- lxxvii. An Act for making a Landing Place at or near *Hythe* in the Parish of *Fawley* and extra-parochial Places adjoining thereto in the County of *Southampton*. *Ibid.*
- lxxviii. An Act for authorizing the *Newport Dock Company* to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock. *Ibid.*
- lxxix. An Act for constructing Tidal Basins, a Dock, and other Works at *Birkenhead* in the County of *Chester*; and for other Purposes. 922
- lxxx. An Act for enabling the Trustees of the *Liverpool Docks* to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of *Liverpool*. *Ibid.*
- lxxx. An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the *Edinburgh, Leith, and Newhaven Railway*, and to make Two Branch Railways therefrom. *Ibid.*
- lxxxii. An Act for making a Railway from the *Manchester and Leeds Railway* to the Towns of *Ashton-under-Lyne* and *Staly Bridge*. *Ibid.*
- lxxxiii. An Act to enable the *Sheffield, Ashton-under-Lyne, and Manchester Railway Company* to make a Branch Railway to *Ashton-under-Lyne* and *Stalybridge*; and to alter and enlarge the Powers of the said Company. *Ibid.*
- lxxxiv. An

- lxxxiv. An Act to amend the Acts relating to the *Taff Vale* Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of additional Works; and to enlarge the Powers of the Company. *Page 922*
- lxxxv. An Act for making a Railway from *Colchester* to *Ipswich*. *Ibid.*
- lxxxvi. An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize an Extension of the said Railway and other Works at or near the *Nine Elms* Station. *923*
- lxxxvii. An Act to extend the Line of the *Garnkirk and Glasgow* Railway; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway. *Ibid.*
- lxxxviii. An Act for making a Railway from *Mellorn* in the Parish of *Minster to Black Rock* in the Parish of *Saint Michael* in *Saint Mawer Lowlands* in the County of *Cornwall*. *Ibid.*
- lxxxix. An Act to remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the Parish of *Necton* in the County of *Norfolk*. *Ibid.*
- xc. An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of *Canada*, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the *Gaspé Fishery and Coal Mining Company*. *Ibid.*
- xc. An Act for making a Railway from the *London and Brighton* Railway to *Lewes and Hastings*, with a Branch therefrom, all in the County of *Sussex*. *Ibid.*
- xcii. An Act for making a Railway from the *London and Croydon* Railway at *Croydon* to *Epsom*. *Ibid.*
- xciii. An Act for improving the Harbour and Quay of *Wells* in the County of *Norfolk*; and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay. *Ibid.*
- xciv. An Act for lighting, paving, cleansing, widening, and improving the Streets of the Town or Parish of *Wells* in the County of *Norfolk*; for removing and preventing Nuisances therein; and for making new Streets or Roadways. *924*
- xcv. An Act for incorporating the *London Gas Light Company*. *Ibid.*
- xcvi. An Act for regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company. *Ibid.*
- xcvii. An Act to continue and extend the Powers of "The *London and Croydon* Railway Company."
Ibid.
- xcviii. An Act to alter, amend, enlarge, and in part repeal the Acts relating to the *Wishaw and Coltness* Railway. *Ibid.*
- xcix. An Act for making a Railway from the River *Dee* in the County of the City of *Chester* to *Wrexham* in the County of *Denbigh*, to be called "The *North Wales Mineral* Railway."
Ibid.

The TITLES of the STATUTES,

- c. An Act for making and maintaining a Railway from the City of *Dublin* to the Town of *Cashel*, with a Branch to the Town of *Carlow*. Page 924
- ci. An Act for widening, repairing, and maintaining the Bridge of *Ayr*, commonly called the *New Bridge*, leading across the River of *Ayr* at the Royal Burgh or Town of *Ayr* in the County of *Ayr*; and for other Purposes in relation thereto. *Ibid.*
- cii. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town and Borough of *Swansea* in the County of *Glamorgan*, and for removing and preventing Nuisances and Annoyances therein. 925
- ciii. An Act for making new Docks, and other Works connected therewith, in addition to the present Docks at *Kingston-upon-Hull*; and for amending the Acts relating to such last-mentioned Docks. *Ibid.*
- civ. An Act for better lighting, paving, cleansing, watching, regulating, and improving the Town of *Rochdale* and the Environs thereof, in the County Palatine of *Lancaster*. *Ibid.*
- cv. An Act for better paving, lighting, cleansing, and otherwise improving Part of the Parish of *Newchurch* in the *Isle of Wight*, called *Ventnor*, and for establishing a Market therein. *Ibid.*
- cvi. An Act for improving the Drainage and Navigation of the Middle Level of the Fens. *Ibid.*
- cvii. An Act for the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of *Paisley*, and certain Towns or Villages and Places adjacent; and for other Purposes relating thereto. *Ibid.*
- cviii. An Act to authorize the Division of the Parish and Vicarage of *Leeds* in the County of *York* into several Parishes and Vicarages. *Ibid.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Bury* in the County of *Huntingdon*. Page 926
2. An Act for inclosing Lands in the Parish of *Ramsey* in the County of *Huntingdon*. *Ibid.*
3. An Act to enable the Rector, Churchwardens, and Overseers of the Poor of the Parish of *Bow Brickhill* in the County of *Buckingham* to sell certain Parcels of Land in the said Parish which

- which were allotted to them under the Award of the Commissioners made in pursuance of the *Bow Brickhill and Fenny Stratford* Inclosure Act, passed in the Thirtieth Year of King George the Third. Page 926
4. An Act for inclosing Lands in the Parish of *Brandes Burton* in the County of *York*. 927
 5. An Act for inclosing Lands in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland*. *Ibid.*
 6. An Act for inclosing Lands in the Manors or Lordships of *Farrington* and *Cwmgilla* in the Parish of *Knighton* in the County of *Radnor*. *Ibid.*
 7. An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of *Nottingham*. *Ibid.*
 8. An Act for inclosing Lands in the Parishes of *Bleddfa* and *Llangunllo* in the County of *Radnor*. *Ibid.*
 9. An Act for enabling *George Edwards* and *Walter Colbourn*, the Committees of the Estate of *William Beckett Neachell*, a Person of unsound Mind, to make Conveiances for carrying into execution an Agreement for the Partition or Division of the Real Estates of *William Orme* deceased, pursuant to an Order of the High Court of Chancery. 928
 10. An Act for authorizing a new Entail to be made of those Parts of the Lands and Estate of *Blythswood* which lie in the County of *Lanark*; and for enabling *Archibald Campbell* Esquire, of *Blythswood*, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of certain Parts thereof; and for other Purposes therein expressed. *Ibid.*
 11. An Act to enable *Archibald* Marquess of *Ailsa* to borrow a certain Sum of Money upon the Security of his entailed Estates of *Cassillis* and *Culzean*, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. *Ibid.*
 12. An Act to authorize the Sale of the Fee Simple of the Estates of *Francis Hale Rigby* of *Mistley* in the County of *Essex*, Esquire, deceased, as devised by his Will, and for laying out the Monies to arise by such Sale. *Ibid.*
 13. An Act for selling the entailed Estate of *Schivas* in the County of *Aberdeen*, belonging to *Alexander Forbes Irvine*, Esquire, and for investing the Price thereof in the Purchase of other Lands to be entailed in lieu of the said Estate. *Ibid.*
 14. An Act for carrying into effect a Contract between *Edward Gresley Stone* and *Thomas Fulljames* Esquires for the Sale to the said *Thomas Fulljames* of an Estate in the Parishes of *Hasfield*, *Ashleworth*, and *Corse*, in the County of *Gloucester*, Part of the Estates devised by the Will of *John Stone* Esquire, deceased, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and for vesting certain other

The TITLES of the STATUTES,

- detached Estates in the Counties of *Gloucester* and *Worcester*, devised by the same Will, in Trustees, for Sale, and for investing the Monies arising therefrom in the Purchase of more convenient Estates to be settled to the same Uses. Page 928
15. An Act to authorize the Sale of a certain Leasehold Estate in the County of *Kent*, Part of the settled Estate of the Earl of *Guilford*. *Ibid.*
16. An Act to enable Sir *James John Randall Mackenzie* of *Scatwell*, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain Claims for Money laid out and to be laid out in Improvements upon the said Estate. 929
17. An Act for vesting in Trustees certain Parts of the entailed Estate of *Seaforth*, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith. *Ibid.*
18. An Act for authorizing the Sale of certain Estates in the Counties of *Meath* and *Cavan*, limited by the Settlement executed on the Marriage of *Pierce Morton* and *Louisa Morton* otherwise *Somerville*, his Wife, and for applying the Monies thence arising in Payment of Incumbrances affecting the said Estates prior to said Settlement. *Ibid.*
19. An Act to authorize the Sale of certain Estates and Mines belonging to the Chapel of *Willenhall* in the Parish of *Wolverhampton* in the County of *Stafford*; and to provide a Residence for the Incumbent of the Chapel. *Ibid.*
20. An Act to enable the Guardian of *Henry Peach Keighley Peach*, an Infant, to sell the next Presentation to the Rectory and Parish Church of *Idlicote* in the County of *Warwick*. *Ibid.*
21. An Act for enlarging the Powers contained in the Will of Sir *John Ramsden* Baronet, deceased, to grant Leases of the Hereditaments in the Townships of *Huddersfield*, *Honley*, *Dalton*, and *Aldmondbury*, devised by such Will; and for other Purposes. *Ibid.*
22. An Act for enabling the Trustees under the Will of the late Mr. *Jonathan Passingham* to grant Leases of the devised Estates, with Licences to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes. *Ibid.*
23. An Act for enabling the Trustees under the Marriage Settlement of *William Henry Bowen Jordan Wilson* Esquire to sell the Estates comprised in the same Settlement, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses. 930
24. An Act for enabling Trustees to sell the Estates devised by and settled to the Uses of the Will of *William Harris* Esquire, deceased, and for authorizing the laying out of the Monies arising therefrom

therefrom in the Purchase of other Estates, to be settled to the same Uses. Page 930

25. An Act for carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the Right Honourable *Thomas Lord Le Despencer* deceased, out of the settled Estates of the said *Thomas Lord Le Despencer* deceased at *Mereworth* in the County of *Kent* and elsewhere in the said County; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates. *Ibid.*
26. An Act to enable *Thomas Alexander Baron Lovat* to borrow a certain Sum of Money upon the Security 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.*
27. An Act to enable the Trustees of the Will of *Sir George William Tapps Gervis* Baronet, deceased, to convey a Church at *Bournemouth* in the County of *Southampton* to Her Majesty's Commissioners for building new Churches, and to endow the same. *Ibid.*
28. An Act for enabling the Trustees of the Will of *William Atkins Bowyer* Esquire deceased to grant building, improving, and other Leases of certain Estates at *Clapham* in the County of *Surrey*, devised by the said Will and the Second Codicil thereto to the Trustees therein named. *Ibid.*
29. An Act for effecting an Exchange of the entailed Estate of *Rosehall*, belonging to the Right Honourable *James Edward Lord Cranstoun*, situated in the County of *Sutherland*, for certain Lands in the County of *Kincardine* belonging to *James Matheson* Esquire, of *Achany*. *Ibid.*
30. An Act for confirming and carrying into execution certain Articles of Agreement made and entered into between *Charles James* Lord Bishop of *London*, *Thomas Thistlethwayte* Esquire, *Thomas Somers Cocks* Esquire, *Christopher Hodgson* Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company; and for other Purposes therein mentioned. *Ibid.*
31. An Act for vesting Parts of the Estates of *William Devaynes* Esquire, deceased, in Trustees, upon trust to be sold; and for paying off a Mortgage Debt of Eight thousand two hundred Pounds due to *James Parkinson* Esquire, out of the first Purchase Monies; and for laying out the Residue of the Purchase Monies, under the Direction of the Court of Chancery, in the Purchase of other Estates to be settled to the same Uses. 931
32. An Act for annexing to the united Bishopricks of *Down*, *Connor*, and *Dromore* the House known as *Down and Connor House*, with the Appurtenances; and for other Purposes. *Ibid.*
33. An Act to confirm certain Contracts for Leases made and entered into by *James Weller Ladbroke* Esquire of Lands and Premises at or near *Notting Hill* in the County of *Middlesex*; and to alter and enlarge the Powers of an Act passed in the First and Second Years of the Reign of His late Majesty King *George*

The TITLES of the STATUTES,

George the Fourth, intituled *An Act to enable James Weller Ladbroke Esquire and others to grant Building Leases of Lands in Kensington, Paddington, Notting Barns, and West-borne, in the County of Middlesex; and for other Purposes relating thereto.* Page 931

34. An Act to explain an Act passed in the First Year of Her present Majesty, intituled *An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable William Henry Earl of Rochford deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for other Purposes; and for extending the Operation of such Act to certain Parties whose Consent thereto was required.* Ibid.

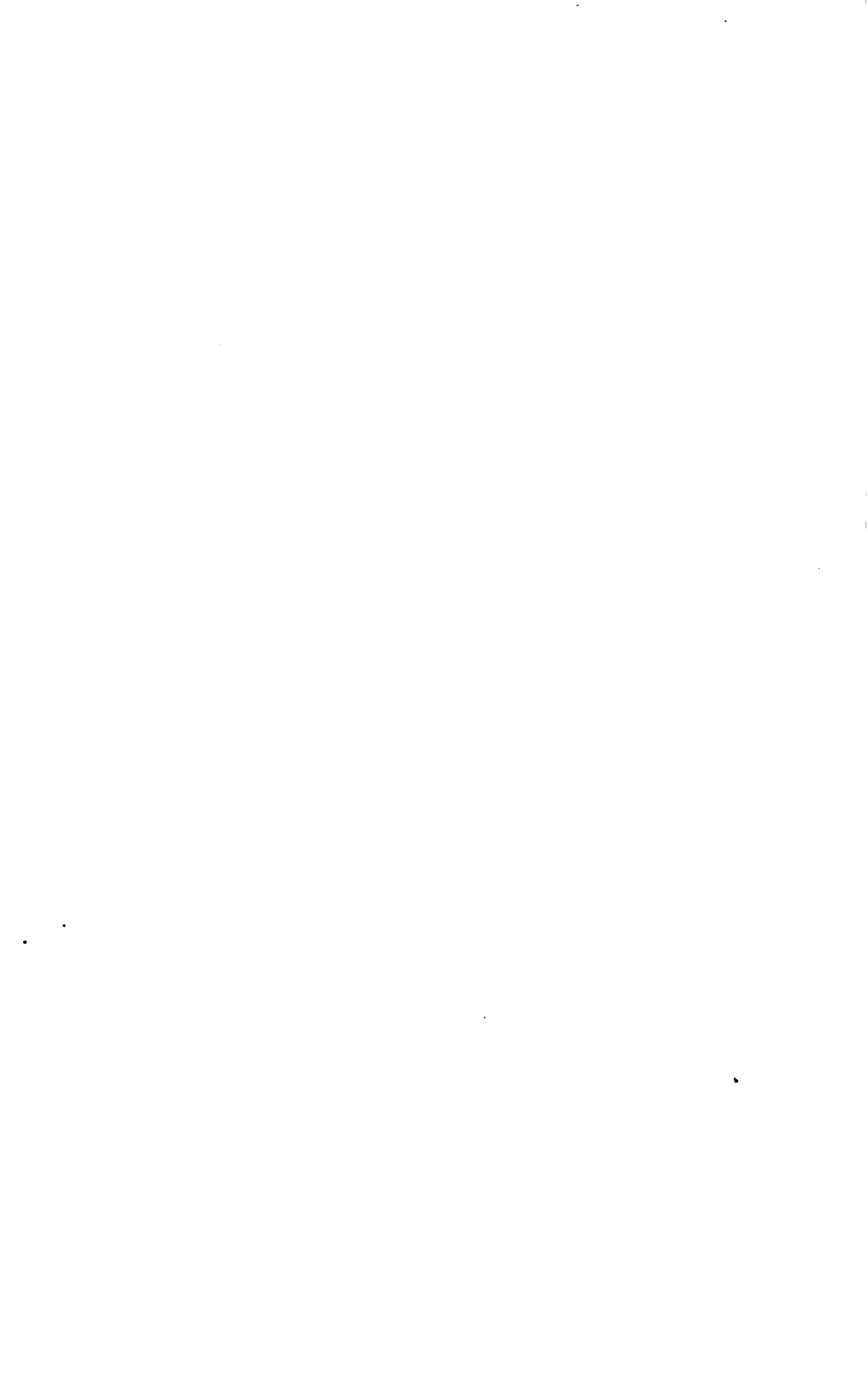
PRIVATE ACTS,

NOT PRINTED.

35. An Act for naturalizing *John Frederick Sang.*
36. An Act for naturalizing *Samuel Schuster.*
37. An Act for naturalizing Dame *Susan Victoria Regina*, Widow of Sir *James Nugent* Baronet, deceased.
38. An Act for naturalizing *Antonio Lascaridi.*
39. An Act for naturalizing *Michael Spartali.*
40. An Act for naturalizing *Paul Cababé.*
41. An Act for naturalizing *Frederick Figge.*
42. An Act for naturalizing *Henri Victor Malan.*
43. An Act to enable *Mary Bean* Widow, and her Issue, and *Edward Whitley* Esquire and *Charlotte* his Wife, and the Issue of the said *Charlotte Whitley*, respectively to take the Surname and use the Arms of *Rodbard.*
44. An Act for naturalizing *Dionysius Onüfri Marianski.*
45. An Act to dissolve the Marriage of *Samuel Archbutt* the younger, Gentleman, with *Mary Amelia* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act for authorizing the Endowment of the Curacies of *Werrington* and *Saint Giles-in-the-Heath* in the County of *Devon*, and the Alienation and Conveyance of the Rights of Patronage of the same Curacies respectively to Persons who shall further endow the same; and for other Purposes relating thereto.
47. An Act to dissolve the Marriage of *John Cheape* Esquire, a Lieutenant Colonel in the Military Service of the Honourable *East India Company*, with *Amelia Frances Chicheley Cheape* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

48. An

48. An Act to dissolve the Marriage of *William Hough*, a Major in the Military Service of the Honourable *East India Company*, with *Sophia* his now Wife, and to enable him to marry again; and for other Purposes.
 49. An Act to dissolve the Marriage of *Thomas Foreman Gape* with *Fanny Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
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THE
STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginæ,
Septimo & Octavo.

‘ **A**T the Parliament begun and holden at *Westminster*, the
‘ Nineteenth Day of *August*, *Anno Domini* 1841, in the Fifth
‘ Year of the Reign of our Sovereign Lady VICTORIA, by
‘ the Grace of God, Queen of the United Kingdom of *Great Britain*
‘ and *Ireland*, Defender of the Faith: And from thence continued,
‘ by several Prorogations, to the First Day of *February* 1844;
‘ being the Fourth Session of the Fourteenth Parliament of the
‘ United Kingdom of *Great Britain* and *Ireland*.’

C A P. I.

An Act to enlarge the Powers of an Act of the Fourth and
Fifth Years of Her present Majesty, empowering the Com-
missioners of Her Majesty’s Woods to raise Money for
certain Improvements in the Metropolis, on the Security
of the Land Revenues of the Crown within the County of
Middlesex and City of *London*. [5th March 1844.]

‘ **W**HEREAS by an Act passed in the Session of Parliament
‘ holden in the Fourth and Fifth Years of the Reign of
‘ Her present Majesty, intituled *An Act to empower the Commis-* 4 & 5 Vict. c. 40.
‘ *sioners of Her Majesty’s Woods to raise Money for certain*
‘ *Improvements in the Metropolis, on the Security of the Land*
‘ *Revenues of the Crown within the County of Middlesex and*
‘ *City of London*, it was enacted, that it should be lawful for the
‘ Commissioners of Her Majesty’s Woods, Forests, Land Revenues,
‘ Works, and Buildings for the Time being, and they were thereby
‘ authorized and empowered, by and with the Consent and Appro-
‘ bation in Writing of the Lord High Treasurer, or of the Com-
‘ missioners for executing the Office of Lord High Treasurer of
‘ the United Kingdom, or any Three or more of them, notwith-
‘ standing any Provisions, Restrictions, or Clauses contained in
‘ any Act or Acts of Parliament relating to Her Majesty’s Land
‘ Revenue, from Time to Time to borrow and take up at any Rate
‘ of Interest not exceeding Five Pounds *per Centum per Annum*,
‘ and on such Terms and Conditions as they should think proper,
‘ such

7 & 8 VICT. B

' such Sum or Sums of Money as the said Commissioners, with
 ' such Consent and Approbation as aforesaid, should judge neces-
 ' sary for the Purpose of carrying into effect and completing the
 ' several Improvements and new Streets authorized and directed
 ' to be made by them by the several Acts therein recited or
 ' referred to, on Mortgage of all or any Part or Parts of the
 ' Houses, Buildings, Lands, Tenements, and Hereditaments of or
 ' belonging to Her Majesty, Her Heirs and Successors, within
 ' the County of *Middlesex* and City of *London*, or either of them,
 ' (other than Royal Palaces and Parks,) and for securing the
 ' Repayment of the Sum or Sums so to be borrowed, or any Part
 ' or Parts thereof, with Interest for the same, with such Consent
 ' and Approbation as aforesaid, to grant, demise, or mortgage all
 ' or any Part or Parts of the same Houses, Buildings, Lands,
 ' Tenements, and Hereditaments respectively unto any Person or
 ' Persons, Body or Bodies Corporate, who should lend and advance
 ' such Sum or Sums of Money respectively, his, her, or their Heirs,
 ' Executors, or Administrators, Successors or Assigns, or to whom
 ' he or they or any such Body should appoint, for any Term of
 ' Years, so that every such Grant, Mortgage, or Security were
 ' made with a Proviso or Condition to cease and be void when
 ' such Sum or Sums of Money thereby to be secured, and the
 ' Interest thereof, should be fully paid and satisfied: And whereas
 ' Doubts are entertained whether the said recited Act extends to
 ' empower the Governor and Company of the Bank of *England*
 ' and certain other public Companies and Corporations to advance
 ' and lend Monies to the said Commissioners on the Security of
 ' the said Land Revenues of the Crown, the said Governor and
 ' Company of the Bank of *England* and other public Companies
 ' and Corporations not being expressly named and empowered in
 ' and by the said recited Act; and it would facilitate the raising
 ' of such Monies if such Doubts were removed: Be it there-
 fore enacted by the Queen'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 it shall be lawful for the
 Governor and Company of the Bank of *England*, and for any
 Person whomsoever, and any Bodies Politic or Corporate or Com-
 panies whatsoever, to advance and lend from Time to Time to
 the Commissioners for the Time being of Her Majesty's Woods,
 Forests, Land Revenues, Works, and Buildings, any Sum or Sums
 of Money, or any Part or Parts of the Capital or other Monies of
 Funds of or belonging to such Governor or Company, Person or
 Persons, Bodies Politic or Corporate, or Companies respectively,
 which the said Commissioners, by and with the Consent and
 Approbation in Writing of the Lord High Treasurer, or the
 Commissioners for executing the Office of Lord High Treasurer
 of the United Kingdom, or any Three or more of them, shall
 from Time to Time judge necessary, for the Purpose of carrying
 into effect and completing the several Improvements and new
 Streets authorized and directed to be made by them by the said
 several Acts in the said recited Act of the Fourth and Fifth
 Years of Her Majesty's Reign recited or referred to, on Mort-
 gage of all or any Part or Parts of the Houses, Buildings, Land,
 Tenements,

The Bank of
 England and
 any other Per-
 sons or Cor-
 porations em-
 powered to lend
 on Mortgage
 of the Land
 Revenues.

Tenements, and Hereditaments of or belonging to Her Majesty, Her Heirs and Successors, within the County of *Middlesex* and City of *London*, or either of them, (other than Royal Palaces and Parks,) so as that all such Loans be made with the Approbation of the said Lord High Treasurer, or Commissioners for executing the Office of Lord High Treasurer, or any Three or more of them, to be signified by his or their Warrant or Warrants for that Purpose, notwithstanding any thing contained to the contrary in an Act passed in the Fifth and Sixth Years of the Reign of Their late Majesties King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or in any other Act or Acts: Provided also, that the Sum to be advanced by the Bank of *England* under the Provisions of this Act shall not exceed in the whole the Sum of Two hundred and fifty thousand Pounds.

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c. 20.

II. And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall be and they are hereby constituted a Corporation for the Purposes of this Act, as well as for the Purposes of the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, and may have such Seal as in the said recited Act is mentioned; and that all and singular the Powers, Provisions, Exemptions from Stamp Duties, and Enactments in the said recited Act contained with respect to Monies borrowed and Mortgages made under the Authority of the said recited Act, and the Application of such Monies, shall, so far as the same are applicable, extend to all Monies to be borrowed and Mortgages to be made under the Authority of this Act; and that all Sum and Sums of Money which by the said recited Act are made applicable to the Repayment of Monies borrowed on the Credit of the Land Revenues of the Crown, under the Powers and Provisions of the said recited Act, and the Interest thereof, shall equally be applicable and be applied in Repayment of any Sum or Sums of Money which may be borrowed on the Credit of the Land Revenues of the Crown under the Powers and Provisions of this Act, and the Interest thereof.

Commissioners
of Woods in-
corporated.

Powers of the
recited Act
extended to
this Act.

III. Provided always, and be it enacted, That it shall and may be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings in all respects to make and grant such Leases and Agreements for Leases, and to accept a Surrender of any Lease or Leases granted or to be granted of any Hereditaments comprised in any Mortgage made or to be made in pursuance of the said recited Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty or of this Act, and on any such Surrender to grant any other Lease or separate Leases of the Hereditaments so to be surrendered, for any Term which they are or may be authorized to grant, in all respects whatsoever as they could have done if such Mortgage or Mortgages had not been made, and the said

Commissioners
of Woods em-
powered to
lease, notwith-
standing Mort-
gages.

last-mentioned Act and this Act had not passed, so as the Rent to be reserved in respect of any Hereditaments to be comprised in any new Lease to be made in pursuance of any surrendered Lease be not less in Amount than the Rent which was reserved by the surrendered Lease, or when more than One Lease shall be granted of any Hereditaments comprised in a Lease which shall have been surrendered so as the aggregate Amount of Rents to be reserved by the separate Leases shall not be less in Amount than the Rent reserved by the Lease so surrendered.

Saving the Rights of Distress and Entry of Mortgagees.

IV. And be it enacted, That the Person or Persons, Bodies or Body, to whom any such Mortgage as aforesaid has been or shall be granted, shall (in respect of such Leases so to be granted, and during the Continuance of such Mortgage Securities,) have such and the same Powers of Distress, Entry, or otherwise, for the Recovery of the Rents by any such Leases so to be granted, reserved, and shall have the full Benefit of the Covenants in such Leases to be contained, and on the Part of the Lessees to be performed, as they would have had if they had been Parties to such Leases, and the Rents and Rights of Distress and Entry had been reserved to them, and the Covenants entered into with them in all respects whatsoever, but not so as to give any subsequent Mortgagee any Right or Priority over the prior Mortgagee.

Commissioners of Woods, &c. shall report annually to the Commons House of Parliament.

V. And be it enacted, That the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall once in every Year, until the several Improvements and new Streets herein-before referred to are completed, report to the Commons House of Parliament the Progress made by the said Commissioners in the Execution of such Improvements and new Streets respectively, the Monies raised and received by them for the Purposes thereof, and the Expenditure of the same, and the Balance, if any, remaining unexpended at the Date of each Report, and also the Number and Extent of Houses and other Property still remaining to be purchased in each Line of Improvement, and the estimated Cost thereof, and the Funds applicable to the Purchase of the same.

Act may be amended, &c.

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

C A P. II.

An Act for the more speedy Trial of Offences committed on the High Seas. [5th March 1844.]

28 H. 8. c. 15. ' WHEREAS by an Act passed in the Twenty-eighth Year of the Reign of King Henry the Eighth, intituled For ' *Pirates*, it was enacted, that all Treasons, Felonies, Robberies, ' *Murders*, and Confederacies thereafter to be committed in or ' upon the Sea, or in any other Haven, River, Creek, or Place ' where the Admiral or Admirals have or pretend to have Power, ' Authority, or Jurisdiction, should be inquired, tried, heard, ' determined, and judged in such Shires and Places in the Realm ' as should be limited by the King's Commission or Commissions to be directed for the same, in like Form and Condition ' as if any such Offence or Offences had been committed or done ' in

‘ in or upon the Land; and such Commissions should be had
 ‘ under the King’s Great Seal, directed to the Admiral or Ad-
 ‘ mirals, or to his or their Lieutenant, Deputy and Deputies, and
 ‘ to Three or Four other substantial Persons as should be named
 ‘ or appointed by the Lord Chancellor of *England* for the Time
 ‘ being, from Time to Time and as often as need should require,
 ‘ to hear and determine such Offences after the common Course
 ‘ of the Laws of this Realm used for Treasons, Felonies, Murders,
 ‘ Robberies, and Confederacies of the same done and committed
 ‘ upon the Land within this Realm: And whereas it is expedient
 ‘ that Provision be made for the Trial of Persons charged with
 ‘ Offences so committed, without issuing any Special Commission
 ‘ in that Behalf;’ be it enacted by the Queen’s most Excellent
 Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That Her Majesty’s
 Justices of Assize or others Her Majesty’s Commissioners by
 whom any Court shall be holden under any of Her Majesty’s Com-
 missions of Oyer and Terminer or General Gaol Delivery shall
 have severally and jointly all the Powers which by any Act are
 given to the Commissioners named in any Commission of Oyer
 and Terminer for the trying of Offences committed within the
 Jurisdiction of the Admiralty of *England*, and that it shall be
 lawful for the first-mentioned Justices and Commissioners, or any
 One or more of them, to inquire of, hear, and determine all
 Offences alleged to have been committed on the High Seas and
 other Places within the Jurisdiction of the Admiralty of *England*,
 and to deliver the Gaol in every County and Franchise within the
 Limits of their several Commissions of any Person committed to
 or imprisoned therein for any Offence alleged to have been com-
 mitted upon the High Seas and other Places within the Jurisdic-
 tion of the Admiralty of *England*; and all Indictments found, and
 Trials and other Proceedings had, by and before the said Justices
 and Commissioners shall be valid; and it shall be lawful for the
 Court to order the Payment of the Costs and Expences of the
 Prosecution of such Offences, in the Manner prescribed by an
 Act of the Seventh Year of King *George* the Fourth, intituled
An Act for improving the Administration of Criminal Justice
in England, in the Case of Felonies tried in the High Court of
Admiralty.

Justices of Oyer
and Terminer
maytry Offences
committed on
the High Seas.

7 G. 4. c. 64.

II. And be it enacted, That in all Indictments preferred before
 the said Justices and Commissioners under this Act the Venue
 laid in the Margin shall be the same as if the Offence had been
 committed in the County where the Trial is had; and all material
 Facts which in other Indictments would be averred to have taken
 place in the County where the Trial is had shall in Indictments
 prepared and tried under this Act be averred to have taken place
 “ on the High Seas.”

Venue in
Indictments.

III. And be it enacted, That the Justice or Justices by whom
 any Information shall be taken touching any Offence committed
 within the Jurisdiction of the Admiralty of *England* under the
 Provisions of an Act passed in the Seventh Year of the Reign
 of King *George* the Fourth, intituled *An Act to enable Commis-
 sioners for trying Offences upon the Sea, and Justices of the*
Peace,

Where Of-
fenders shall
be tried.

7 G. 4. c. 58.

Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith, if he or they shall see Cause thereupon to commit such Person to take his Trial for such Offence, shall commit him to the same Prison to which he would have been committed to take his Trial at the next Court of Oyer and Terminer and General Gaol Delivery if the Offence had been committed on Land within the Jurisdiction of the same Justice or Justices, and shall have Authority to bind by Recognizance all Persons who shall know or declare any thing material touching the said Offence to appear at the said next Court of Oyer and Terminer and General Gaol Delivery, then and there to prosecute or give Evidence against the Party accused, and shall return all such Informations and Recognizances to the proper Officer of the Court in which the Trial is to be, at or before the opening of the Court; and every such Offender shall be arraigned, tried, and sentenced as if the Offence had been committed within the County, Riding, or Division for which such Court shall be holden.

Not to affect
Central Criminal Court or
Special Com-
missions.

IV. Provided always, and be it declared and enacted, That nothing herein contained shall affect the Jurisdiction belonging to the Central Criminal Court for the Trial of Persons charged with Offences committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, or to restrain the Issue of any Special Commission under the first-recited Act for the Trial of such Offenders, if need shall be.

Act may be
amended, &c.

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

C A P. III.

An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time.* [5th March 1844.]

9 Ann. c 14.

‘ WHEREAS by an Act passed in the Ninth Year of the
‘ Reign of Her Majesty Queen *Anne*, intituled *An Act for*
‘ *the better preventing of excessive and deceitful Gaming*, it is
‘ among other things enacted, that from and after the said First
‘ Day of *May* One thousand seven hundred and eleven any Per-
‘ son or Persons whatsoever who shall at any Time or Sitting, by
‘ playing at Cards, Dice, Tables, or other Game or Games whatso-
‘ ever, or by betting on the Sides or Hands of such as do play
‘ at any of the Games aforesaid, lose to any One or more Person
‘ or Persons so playing or betting, in the whole, the Sum or Value
‘ of Ten Pounds, and shall pay or deliver the same or any Part
‘ thereof, the Person or Persons so losing and paying or deliver-
‘ ing the same shall be at liberty, within Three Months then
‘ next, to sue for and recover the Money or Goods so lost and
‘ paid or delivered, or any Part thereof, from the respective
‘ Winner and Winners thereof, with Costs of Suit, by Action of
‘ Debt founded on this Act, to be prosecuted in any of Her
‘ Majesty’s Courts of Record, in which Actions or Suits no

* See post, Cap. 7.

' Essoign, Protection; Wager of Law, Privilege of Parliament,
 ' or more than One Imparlançe shall be allowed; in which
 ' Actions it shall be sufficient for the Plaintiff to allege that
 ' the Defendant or Defendants are indebted to the Plaintiffs or
 ' received to the Plaintiffs Use the Monies so lost and paid, or
 ' converted the Goods won of the Plaintiffs to the Defendants
 ' Use, whereby the Plaintiffs Action accrued to him, according to
 ' the Form of this Statute, without setting forth the special
 ' Matter; and in case the Person or Persons who shall lose such
 ' Money or other Thing as aforesaid shall not within the Time
 ' aforesaid really and *bonâ fide*, and without Covin or Collusion,
 ' sue and with effect prosecute for the Money or other Thing so
 ' by him or them lost, and paid or delivered as aforesaid, it shall
 ' and may be lawful to and for any Person or Persons, by any
 ' such Action or Suit as aforesaid, to sue for and recover the
 ' same and treble the Value thereof, with Costs of Suit, against
 ' such Winner or Winners as aforesaid; the one Moiety thereof
 ' to the Use of the Person or Persons that will sue for the
 ' same, and the other Moiety to the Use of the Poor of the Parish
 ' where the Offence shall be committed: And whereas similar
 ' Provisions are contained in an Act similarly intituled, passed
 ' in the Parliament of *Ireland* in the Eleventh Year of the Reign 11 Ann. (I.)
 ' of Her said Majesty: And whereas by an Act passed in the
 ' Sixteenth Year of the Reign of His Majesty King *Charles* the
 ' Second, intituled *An Act against deceitful, disorderly, and ex-* 16 Car. 2. c. 7.
 ' *cessive Gaming*, it is amongst other things enacted, that if any
 ' Person or Persons shall play at any of the Games in the said
 ' Act enumerated and set forth, or any other Pastime, Game or
 ' Games whatsoever (other than with and for ready Money), or
 ' shall bet on the Sides or Hands of such as do or shall play
 ' thereat, and shall lose any Sum or Sums of Money or other
 ' Thing or Things so played for exceeding the Sum of One hun-
 ' dred Pounds at any one Time or Meeting, upon Ticket or Credit,
 ' or otherwise, and shall not pay down the same at the Time
 ' when he or they shall so lose the same, the Party and Parties
 ' who loseth or shall lose the said Monies or other Thing or
 ' Things so played or to be played for above the said Sum of One
 ' hundred Pounds shall not in that Case be bound or compelled
 ' or compellable to pay or make good the same, but the Contract
 ' and Contracts for the same and for every Part thereof, and all
 ' and singular Judgments, Statutes, Recognizances Mortgages,
 ' Conveyances, Assurances, Bonds, Bills, Specialties, Promises,
 ' Covenants, Agreements, and other Acts, Deeds, and Securities
 ' whatsoever which shall be obtained, made, given, acknow-
 ' ledged, or entered into for Security or Satisfaction of or for the
 ' same or any Part thereof, shall be utterly void and of none
 ' Effect, and that the said Person or Persons so winning the said
 ' Monies or other Things shall forfeit and lose treble the Value of
 ' all such Sum and Sums of Money or other Thing or Things
 ' which he shall so win, gain, obtain, or acquire above the said
 ' Sum of One hundred Pounds, the one Moiety thereof to our said
 ' Sovereign Lord the King, His Heirs and Successors, and the
 ' other Moiety thereof to such Person or Persons as shall pro-
 ' secute or sue for the same within One Year next after the
 ' Time

10 W. 3. (1.)

Proceedings commenced by common Informers, or Persons other than the actual Losers, for Penalties incurred by playing at or betting on certain Games to be stayed on Application to the Court in which they were commenced or to a Judge.

Time of such Offence committed, and to be sued for by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law shall be allowed; and that every such Plaintiff or Plaintiffs, Informer or Informers, shall in every such Suit and Prosecution have and receive his treble Costs against the Person and Persons offending and forfeiting as aforesaid, any Law, Custom, or Usage to the contrary notwithstanding: And whereas Provisions nearly similar to those last above recited are contained in an Act similarly intitled, passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His Majesty King *William* the Third: And whereas several Persons have been subjected to Proceedings at Law at the Suit of common Informers or Persons other than the actual Losers: And whereas it is expedient that such Proceedings as have already been commenced at the Suit of any common Informer, or such other Persons than the actual Losers, under the above-recited Provisions of the said Acts or any or either of them, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred by playing at any of the Sports or Pastimes mentioned in the Schedule hereunto annexed, or by betting on the Sides or Hands of such as did play at the same, should be stayed and suspended for a limited Time, and that during such limited Time no Proceedings should for the future be commenced in such Cases by any common Informer, or any Person other than the actual Loser: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately after the passing of this Act it shall be lawful for any Person against whom any original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted by or at the Suit of any common Informer, or Person other than the actual Loser, on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the said Provisions of the said Act passed in the Ninth Year of Her said Majesty Queen *Anne*, or of the said Act passed in the Sixteenth Year of His said Majesty King *Charles* the Second, or of any other Act, by playing at any of the said Sports or Pastimes mentioned in the Schedule hereunto annexed; and any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, and any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games to which a different Name may, by general or local Usage, be appropriated, or by betting on the Sides or Hands of such as did play thereat, such playing or betting being alleged to have taken place previously to the First Day of *June*. One thousand eight hundred and forty-four, to apply to the Court in which such original Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall have been sued out, commenced, or prosecuted, or to any Judge of either of the Superior Courts at *Westminster*, for an Order that Proceedings shall be stayed for Three Calendar Months and till the End of the present Session of Parliament;

Parliament; and every such Court or Judge, as the Case may be, is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Informer, or to his Attorney, of the Application, and upon being satisfied by Affidavit or otherwise that such Proceedings have been commenced for the Recovery of such Forfeiture or pecuniary Penalty as aforesaid, to make such Order as aforesaid; and upon the making such Order aforesaid all further Proceedings on such Writ, Writ of Summons, Suit, Action, Bill, Plaint, or Information shall be forthwith stayed and suspended as aforesaid.

II. And be it enacted, That immediately after the passing of this Act it shall be lawful for any Person against whom any Proceeding or Proceedings shall have been commenced or prosecuted by or at the Suit of any common Informer in *Ireland* on or before the Day of the passing of this Act, for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the said Provisions of the said Act passed in the Eleventh Year of Her said Majesty Queen *Anne*, or of the said Act passed in the Tenth Year of His said Majesty King *William* the Third, or of any other Act, by playing at any of the said Sports or Pastimes, or by betting on the Sides or Hands of such as did play at the same, such playing or betting being alleged to have taken place previously to the First Day of *June* One thousand eight hundred and forty-four, to apply to the Court or a Judge in *Dublin* in like Manner, and such Court or Judge shall proceed in like Manner and make such Order therein as is herein-before directed to be done in the like Proceedings commenced by any common Informer in *England*.

III. And be it enacted, That from and after the passing of this Act no Proceeding or Proceedings whatever shall be commenced or prosecuted by any common Informer, or Person other than the actual Loser, his Executors or Administrators, in the United Kingdom of *Great Britain* and *Ireland*, under the said above-recited Provisions of the said Acts, or any or either of them, or of any other Act, for any Forfeiture or pecuniary Penalty incurred or supposed to be incurred by playing at any of the said Sports or Pastimes, or by betting on the Sides or Hands of such as do play at the same, before the First Day of *June* One thousand eight hundred and forty-four.

IV. And be it enacted, That no Indictment or other criminal Proceeding whatsoever shall be presented or prosecuted against any Person for winning or losing by playing or betting at or on any of the said Sports or Pastimes, or for betting on the Sides or Hands of such as do play thereat, without the Consent of Her Majesty's Attorney General for the Time being, under his Hand in Writing first had and obtained.

V. Provided always, and be it enacted, That the Operation of this Act shall not extend beyond the last Day of the present Session of Parliament; and that nothing herein contained shall extend or be construed to extend to authorize the staying or suspending any Proceedings which may be commenced after the last-mentioned Day.

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

The like Remedy in Cases where Penalties may have been incurred under the Irish Acts.

Restricting Proceedings by Informers, &c. under any of the above Provisions after the passing of this Act.

Actions not to be brought without Consent of Attorney General.

Limiting the Duration of this Act.

Act may be amended, &c.

SCHEDULE referred to in the above Act.

HORSE RACES.	CRICKET.
FOOT RACES.	TENNIS.
BOAT RACES.	FIVES.
REGATTAS.	RACQUETS.
ROWING MATCHES.	BOWLS.
SAILING MATCHES.	QUOITS.
COURSING MATCHES.	CURLING.
FENCING MATCHES.	PUTTING STONE.
GOLF.	FOOT BALL.
WRESTLING MATCHES.	

C A P. IV.

An Act for transferring Three Pounds Ten Shillings *per Centum per Annum* Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities. [22d March 1844.]

‘ 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, having taken into our serious
 ‘ Consideration the present State of the National Debt, and being
 ‘ desirous of lessening the Charge thereof, have resolved that all
 ‘ and every Person and Persons, Bodies Politic and Corporate,
 ‘ who now is or are or hereafter may be interested in or entitled
 ‘ unto any Part of the National Debt redeemable by Law which
 ‘ now carries an Interest after the Rate of Three Pounds Ten
 ‘ Shillings *per Centum per Annum*, and is usually known by the
 ‘ Name of “ Three Pounds Ten Shillings *per Centum* Annuities
 ‘ One thousand eight hundred and eighteen,” the Dividends of
 ‘ which are payable at the Bank of *England* on the Fifth Day of
 ‘ *April* and Tenth Day of *October* in each Year, and who shall
 ‘ not signify his, her, or their Assent to accept Three Pounds Five
 ‘ Shillings *per Centum* Annuities and New Three Pounds *per*
 ‘ *Centum* Annuities, upon the Terms and in the Manner herein-
 ‘ after mentioned, shall on the Tenth Day of *October* One thousand
 ‘ eight hundred and forty-four receive the Sum of One hundred
 ‘ Pounds for every One hundred Pounds of such Three Pounds
 ‘ Ten Shillings *per Centum* Annuities One thousand eight hundred
 ‘ and eighteen which may be then standing in his, her, or their
 ‘ Name or Names, and the said Amount of Capital of such An-
 ‘ nuities shall from the said Tenth Day of *October* One thousand
 ‘ eight hundred and forty-four be considered as cancelled and paid
 ‘ off, and no Interest shall from thenceforth accrue or become pay-
 ‘ able thereon: And have also resolved, that Provision shall be
 ‘ made by this House for paying off such Proprietor or Proprietors
 ‘ of the said Three Pounds Ten Shillings *per Centum* Annuities
 ‘ One thousand eight hundred and eighteen as shall not signify
 ‘ his, her, or their Assent to accept and receive a Share in Three
 ‘ Pounds Five Shillings *per Centum* Annuities and New Three
 ‘ Pounds *per Centum* Annuities in lieu thereof: And have also
 ‘ resolved,

resolved, that all and every Person or Persons, Bodies Politic or Corporate, who shall hold or be possessed of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall on or before *Saturday* the Twentieth Day of *April* One thousand eight hundred and forty-four signify, in the Manner herein-after directed, his, her, or their Assent to accept and receive Three Pounds Five Shillings *per Centum* Annuities in lieu of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities, shall for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen receive One hundred Pounds Capital Stock in a new Stock to be called Three Pounds Five Shillings *per Centum* Annuities, which said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum per Annum* until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per Centum per Annum*, and shall be called "New Three Pounds *per Centum per Centum* Annuities;" which said last-mentioned Annuities shall not be subject to Reduction until from and after the Tenth Day of *October* One thousand eight hundred and seventy-four; and the said Three Pounds Five Shillings *per Centum* Annuities and the New Three Pounds *per Centum* Annuities respectively shall be free from all Taxes, Charges, and Impositions, in the like Manner as the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen; and the Dividends or Interest of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be paid and payable at the Bank of *England* or at the Bank of *Ireland* on the Fifth Day of *April* and Tenth Day of *October* in each and every Year, and the first half-yearly Dividend on the said Three Pounds Five Shillings *per Centum* Annuities shall be payable on the Fifth Day of *April* One thousand eight hundred and forty-five: And have also resolved, that all and every Person or Persons, Bodies Politic or Corporate, possessed of any Part of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall desire to signify his, her, or their Assent to receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu thereof, shall on or before the Twentieth Day of *April* One thousand eight hundred and forty-four, but within the usual Hours of transacting Business at the Bank of *England*, by themselves, or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *England* such Assent in Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent or Agents, together with the Amount of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and which said Assent shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose; and in case of any Transfer of such Share or Shares of such Annuities or any

' any Part or Parts thereof, after such Assent, the Part or Parts
 ' of such Annuities so transferred shall be entered in the said
 ' Book or Books of the said Governor and Company separately
 ' from the said Three Pounds Ten Shillings *per Centum* Annuities
 ' One thousand eight hundred and eighteen in respect of which
 ' no such Assent shall be signified; and every Person or Persons
 ' so assenting, or his, her, or their Assigns, or the Executors
 ' or Administrators of such Assigns, under any such Transfer,
 ' shall from the Tenth Day of *October* One thousand eight hun-
 ' dred and forty-four be entitled to One hundred Pounds of such
 ' Three Pounds Five Shillings *per Centum* Annuities and New
 ' Three Pounds *per Centum* Annuities, in lieu of every One hun-
 ' dred Pounds of their said Three Pounds Ten Shillings *per*
 ' *Centum* Annuities One thousand eight hundred and eighteen
 ' Capital Stock; provided always, that if any Person or Persons
 ' holding any such Three Pounds Ten Shillings *per Centum*
 ' Annuities One thousand eight hundred and eighteen shall not
 ' be within the Limits of the United Kingdom at any Time
 ' between the Eleventh and Twenty-third Day of *March* One
 ' thousand eight hundred and forty-four, both inclusive, but shall
 ' be in any other Part of *Europe*, it shall be lawful for such Person
 ' or Persons to signify such Assent at any Time before the First
 ' Day of *July* One thousand eight hundred and forty-four; and
 ' if any such Person or Persons shall not at any Time between the
 ' Eleventh Day of *March* One thousand eight hundred and forty-
 ' four and the First Day of *July* One thousand eight hundred
 ' and forty-four be within any Part of *Europe*, it shall be lawful
 ' for him, her, or them to signify such Assent at any Time before
 ' the First Day of *February* One thousand eight hundred and
 ' forty-five, such Person or Persons proving, to the Satisfaction of
 ' the Governor or Deputy Governor of the Bank of *England*, his,
 ' her, or their Absence from the United Kingdom or out of *Europe*,
 ' as above specified, and that his, her, or their Share or Shares of
 ' such Three Pounds Ten Shillings *per Centum* Annuities One
 ' thousand eight hundred and eighteen stood in his, her, or their
 ' Name or Names respectively, or in the Name or Names of any
 ' One or more Trustee or Trustees on his, her, or their Behalf, in
 ' the Books of the Governor and Company of the Bank of *England*,
 ' on the Twenty-third Day of *March* One thousand eight hundred
 ' and forty-four; provided also, that such Person or Persons so
 ' absent from the United Kingdom or out of *Europe* shall signify
 ' such his, her, or their Assent within Ten Days after his, her, or
 ' their Return to the United Kingdom: And have also resolved,
 ' that the Interest and Dividends payable in respect of the said
 ' Three Pounds Five Shillings *per Centum* Annuities and New
 ' Three Pounds *per Centum* Annuities shall be charged and charge-
 ' able upon and shall be issued and paid out of the Consolidated
 ' Fund of the United Kingdom of *Great Britain* and *Ireland* on
 ' the Fifth Day of *April* and the Tenth Day of *October* in every
 ' Year, and that every Proprietor of the said Three Pounds Ten
 ' Shillings *per Centum* Annuities One thousand eight hundred
 ' and eighteen shall receive the Dividends of the said Annuities
 ' due thereon on the Tenth Day of *October* One thousand eight
 ' hundred and forty-four, and no longer: And have also resolved,
 ' that

‘ that it shall be lawful for the Accountant General of the Courts
 ‘ of Chancery in *England* and *Ireland* respectively, and also for
 ‘ the Accountant General of the Court of Exchequer in *Ireland*,
 ‘ and for the Accountant in Bankruptcy in *England*, at any Time
 ‘ before the Eighth Day of *July* One thousand eight hundred and
 ‘ forty-four, to signify to the Governor and Company of the Bank
 ‘ of *England*, on behalf of any Suitor or Suitors or others inte-
 ‘ rested in any such Three Pounds Ten Shillings *per Centum*
 ‘ Annuities One thousand eight hundred and eighteen standing in
 ‘ the Names of such Accountants General and Accountant respec-
 ‘ tively, their Assent to accept and receive Shares in the said
 ‘ Three Pounds Five Shillings *per Centum* Annuities and New
 ‘ Three Pounds *per Centum* Annuities, in lieu of all such Three
 ‘ Pounds Ten Shillings *per Centum* Annuities One thousand eight
 ‘ hundred and eighteen standing in their Names respectively;
 ‘ and the said Accountants General and Accountant respectively
 ‘ shall be fully indemnified against all Actions, Suits, and Pro-
 ‘ ceedings for and in respect of any Action, Matter, or Thing done
 ‘ by them respectively in pursuance thereof: And have also
 ‘ resolved, that all Executors, Administrators, Guardians, and
 ‘ Trustees may signify such Assent at any Time before the Twen-
 ‘ tieth Day of *April* One thousand eight hundred and forty-four,
 ‘ in respect of such Shares of any of the said Three Pounds Ten
 ‘ Shillings *per Centum* Annuities One thousand eight hundred and
 ‘ eighteen for the holding of which their Names shall be made use
 ‘ of respectively, and shall be indemnified for giving such Assent
 ‘ in respect thereof; and all Executors, Administrators, Guardians,
 ‘ and Trustees not signifying such Assent, shall be deemed not to
 ‘ have assented as aforesaid, and shall be paid off accordingly:’

We, Your Majesty’s most faithful Commons, do therefore most
 humbly beseech Your Majesty that it may be enacted; and be it
 enacted by the Queen’s most Excellent Majesty, by and with the
 Advice and Consent of the Lords Spiritual and Temporal, and
 Commons, in this present Parliament assembled, and by the
 Authority of the same, That all and every Person and Persons,
 Bodies Politic and Corporate, who, on behalf of themselves or in
 trust for others, now is or are or hereafter may be interested in or
 entitled unto any Part of the National Debt redeemable by Law
 which now carries an Interest after the Rate of Three Pounds Ten
 Shillings *per Centum per Annum*, and is usually known by the
 Name of the “Three Pounds Ten Shillings *per Centum* Annuities
 One thousand eight hundred and eighteen,” the Dividends of which
 are payable at the Bank of *England* on the Fifth Day of *April*
 and Tenth Day of *October* in each Year, and who shall not signify
 his, her, or their Assent to accept Three Pounds Five Shillings
per Centum Annuities and New Three Pounds *per Centum*
 Annuities, upon the Terms and in the Manner herein-after men-
 tioned, shall, on the Tenth Day of *October* One thousand eight
 hundred and forty-four, receive the Sum of One hundred Pounds
 for every One hundred Pounds of such Three Pounds Ten Shillings
per Centum Annuities One thousand eight hundred and eighteen,
 and so in proportion for any greater or less Amount of such Three
 Pounds Ten Shillings *per Centum* Annuities One thousand eight
 hundred and eighteen which may be then standing in his, her, or
 their

Persons entitled
 to 100l. 3l. 10s.
 per Cents 1818
 who shall not
 assent to receive
 3l. 5s. and New
 3l. per Cents
 to receive on
 10th October
 1844 100l. in
 discharge of
 100l. 3l. 10s.
 per Cents 1818.

their Name or Names; and the said Amount of Capital of such Annuities shall, from the said Tenth Day of *October* One thousand eight hundred and forty-four, be considered as cancelled and paid off, and no Interest shall from thenceforth accrue or become payable thereon: Provided always, that the Payment at the Bank of the said One hundred Pounds, for the Use of the Person or Persons entitled thereto, shall be and be deemed to be a full Discharge of the Amount so paid, and that the Proprietors or their Agents duly authorized shall be at liberty to demand and receive Payment from the Bank, upon Application for that Purpose, at any Time after the Tenth Day of *October* One thousand eight hundred and forty-four, of the Sum so paid, for the Use of the Proprietor or Proprietors entitled thereto.

Proprietors of *Sl. 10s. per Cents 1818*, on signifying their Assent on or before 20th April 1844, may receive Annuities carrying *Sl. 5s. Interest* until *October 1854*, and then *Sl. per Cent. Interest*.

II. And be it enacted, That all and every Person or Persons, Bodies Politic or Corporate, who shall hold or be possessed of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall on or before the Twentieth Day of *April* One thousand eight hundred and forty-four signify in the Manner herein-after directed his, her, or their Assent to accept and receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, shall for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen receive One hundred Pounds Capital Stock in a new Stock to be created and denominated "Three Pounds Five Shillings *per Centum* Annuities," and so in proportion for any greater or less Amount, the Dividends or Interest of which shall be paid and payable at the Bank of *England* or at the Bank of *Ireland* on the Fifth Day of *April* and Tenth Day of *October* in each and every Year, and the First Payment of which shall be made on the Fifth Day of *April* One thousand eight hundred and forty-five, and the said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum per Annum* until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per Centum per Annum*; which said last-mentioned Annuities shall be subject and liable to Redemption at any Time from and after the Tenth Day of *October* One thousand eight hundred and seventy-four, and not before that Period.

New *Sl. per Cents* to be redeemable after 10th Oct. 1874.

Assents to be signified at the Bank in manner herein mentioned.

III. And be it enacted, That all and every Person or Persons, Bodies Politic or Corporate, possessed of any Part of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and who shall desire to signify his, her, or their Assent to receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu thereof, shall on or before the said Twentieth Day of *April* One thousand eight hundred and forty-four, but within the usual Hours of transacting Business at the Bank of *England*, by themselves, or some Agent or Agents for that Purpose duly authorized, signify to the Governor and Company of the Bank of *England* such Assent in Writing under his, her, or their Hand or Hands,

or the Hand or Hands of his, her, or their Agent or Agents, together with the Amount of his, her, or their respective Share or Shares in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and which said Assent shall be entered in a Book or Books to be opened and kept by the said Governor and Company for that Purpose; and in case of any Transfer of such Share or Shares of such Annuities or any Part or Parts thereof, after such Assent, the Part or Parts of such Annuities so transferred shall be entered in the said Book or Books of the said Governor and Company separately from the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen in respect of which no such Assent shall be signified; and every Person or Persons so assenting, or his, her, or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall from the Tenth Day of *October* One thousand eight hundred and forty-four be entitled to One hundred Pounds of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu of every One hundred Pounds of their said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen Capital Stock.

IV. Provided always, and be it enacted, That if any Person or Persons holding any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen shall not be within the Limits of the United Kingdom at any Time between *Monday* the Eleventh Day of *March* One thousand eight hundred and forty-four and *Saturday* the Twenty-third Day of *March* One thousand eight hundred and forty-four, both Days inclusive, but shall be in any other Part of *Europe*, it shall be lawful for such Person or Persons to signify such Assent at any Time before the First Day of *July* One thousand eight hundred and forty-four; and if any such Person or Persons shall not at any Time between the Eleventh Day of *March* One thousand eight hundred and forty-four and the First Day of *July* One thousand eight hundred and forty-four be within any Part of *Europe* it shall be lawful for him, her, or them to signify such Assent at any Time before the First Day of *February* One thousand eight hundred and forty-five, such Person or Persons proving to the Satisfaction of the Governor or Deputy Governor of the Bank of *England* his, her, or their Absence from the United Kingdom or being out of *Europe*, as above specified, and that his, her, or their Share or Shares of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen stood in his, her, or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her, or their Behalf, in the Books of the Governor and Company of the Bank of *England* on the Twenty-third Day of *March* One thousand eight hundred and forty-four: Provided also, that such Person or Persons so absent from the United Kingdom or out of *Europe* shall signify such his, her, or their Assent within Ten Days after his, her, or their Return to the United Kingdom.

V. And be it enacted, That the Interest and Dividends payable in respect of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be charged

Persons out of the Kingdom allowed further Time to signify Assents.

Interest of *Sl. 5s.* per Cents and New *Sl.* per Cents to be charged on

Consolidated
Fund.

charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, in the same Manner as the Interest and Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen now stand charged on the said Fund.

Dividends on
3l. 10s. per
Cents paid to
10th Oct. 1844.

VI. And be it enacted, That every Proprietor or Proprietors of the Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen aforesaid shall receive the Dividends on the said Annuities due thereon on the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer.

Transfers of
3l. 10s. per Cents
from Bank
of England to
Bank of Ireland
after 6th March
1844 void.

VII. And be it enacted, That every Transfer of any of the said Annuities One thousand eight hundred and eighteen at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, which may have taken place from the Books of the Governor and Company of the Bank of *England* to the Books of the Governor and Company of the Bank of *Ireland* at any Time from and after the Sixth Day of *March* One thousand eight hundred and forty-four, shall be and the same is hereby declared to be null and void.

Accountants
General of
Chancery and
Exchequer, and
Accountant in
Bankruptcy,
may assent.

VIII. And be it enacted, That it shall be lawful for the Accountant General of the Courts of Chancery in *England* and *Ireland* respectively, and also for the Accountant General of the Court of Exchequer in *Ireland*, and for the Accountant in Bankruptcy in *England*, at any Time before the Eighth Day of *July* One thousand eight hundred and forty-four, to signify to the Governor and Company of the Bank of *England*, on behalf of any Suitor or Suitors or others interested in any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, standing in the Names of such Accountants General and Accountant respectively, their Assent to accept and receive Shares in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of all such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen standing in their Names respectively; and the said Accountants General and Accountant respectively shall be fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Action, Matter, or Thing done by them respectively in pursuance thereof.

Executors, &c.
may assent.

IX. And be it enacted, That all Executors, Administrators, Guardians, and Trustees of or for any Person or Persons, and all Committees of the Estates of Idiots and Lunatics, who as such shall have the Control over any Share or Shares of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen standing either in their own Name or Names, or in the Name or Names of any Testator or Intestate, or of any Infant or Infants, or Idiots or Lunatics, or other Person or Persons, may signify such Assent as aforesaid at any Time before the Twentieth Day of *April* One thousand eight hundred and forty-four; and if either or any Two or more of such Executors, Administrators, Guardians, Trustees, and Committees shall reside out of the United Kingdom, the Period within which such Assent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees,
and

and Committees in each Case; and all Executors, Administrators, Guardians, Trustees, and Committees signifying such Assent shall be severally and respectively indemnified in respect thereof: Provided always, that an Assent for the Purposes aforesaid, signed by One of such Executors, Administrators, Guardians, Trustees, or Committees, for and on behalf of himself and the others or other of them, shall be sufficient, and shall be binding and conclusive upon the others and other of them, and shall be acted upon by the said Governor and Company as if the same had been signed by the whole of such Executors, Administrators, Guardians, Trustees, and Committees, unless some One or more of them shall give Notice to the said Governor and Company, previous to the Expiration of the Time hereby given for signifying such Assent, of his, her, or their Dissent thereto.

X. And be it enacted, That it shall and may be lawful for the said Governor and Company of the Bank of *England*, at any Time on or before the Twentieth Day of *April* One thousand eight hundred and forty-four, to open Books for writing up and receiving the Entry into the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities of any of the Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen before described belonging to any Proprietor or Proprietors who may have expressed his, her, or their Assent to receive such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and who may thereby have converted his, her, or their Three Pounds Ten Shillings *per Centum* Annuities into the said Annuities at the Rate of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities; but the Dividend or Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen which would become due on the Tenth Day of *October* One thousand eight hundred and forty-four shall be paid and payable to the Person or Persons in whose Name the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities may stand on the Tenth Day of *October* One thousand eight hundred and forty-four.

XI. And for the more easy and sure Payment of the Annuities established by this Act, it is hereby enacted, That the said Governor and Company of the Bank of *England*, and the Governor and Company of the Bank of *Ireland* respectively, and their Successors, shall from Time to Time appoint and employ One or more sufficient Person or Persons within their Office to be their Chief or First Cashier or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and that the Monies from Time to Time and at any Time being in the Receipt of the Exchequer, hereby made applicable to the Payment of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, shall, by Order of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the Time being, without any further or other Warrant to be sued for, had, or obtained in that Behalf, be issued and paid at the said Receipt of

Books to be opened at the Bank of *England* for receiving the Entry of the *sl. 5s. per Cents* and New *sl. per Cents*.

Payment of Dividends of *sl. 10s. per Cents* 1818, due in *October* 1844.

Bank to appoint a Cashier and an Accountant General.

Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England* or Bank of *Ireland* respectively, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the said Annuities; and that such Cashier or Cashiers to whom the said Monies shall from Time to Time be issued shall from Time to Time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer.

Accountant
General to ex-
amine Receipts
and Payments.

XII. And it is hereby also enacted, That the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

All the Stock
created by this
Act, and by
another Act of
this Session, to
be One Joint
Stock.

XIII. And be it enacted, That all the Annuities created by virtue of this Act, and also by virtue of another Act passed in this present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, shall be deemed, reputed, and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate whatsoever, shall have and be deemed to have a proportional Interest and Share in the said Stock, and in the Annuities attending the same, and that the said whole Capital or Joint Stock, or any Share or Interest therein, and the proportional Annuity attending the same, shall be assignable and transferable as this Act directs, and not otherwise, and that there shall be constantly kept in the Office of the said Accountants General for the Time being a Book or Books wherein all Assignments or Transfers of the said Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, shall be entered and registered, which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses, and that the Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and that no other Method of assigning or transferring the said Stock, and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers, or any of them.

Annuities to be
Personal Estate.

XIV. And be it enacted, That all Persons and Corporations entitled to any such Annuity or Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities, created by this Act, and his, her, or their Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under him, her, or them, shall have good, sure, absolute, and indefeasible Estates and Interests in the said respective Annuities, according to the true

true Tenor and Meaning of this Act, and shall be possessed thereof as of a Personal Estate, devisable as such, and which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Custom, or Usage to the contrary notwithstanding; but no Payment shall be made or Transfer allowed upon any Devise until such Devise shall have been duly entered at the said Bank of *England* or *Ireland* respectively.

XV. And be it enacted, That as soon after the Expiration of the respective Periods allowed by this Act for signifying Assent under this Act as the same can be done, Certificates shall be from Time to Time made out and transmitted to the Commissioners for the Reduction of the National Debt, by the proper Officer or Officers of the Bank of *England*, of the Amount of Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, which shall have been exchanged into such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the Capital Amount of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

XVI. And be it enacted, That in every Case in which any Person or Persons shall at the Time of the passing of this Act be or remain bound by the Condition of any Bond or Obligation, or by the Terms of any Instrument in Writing, or by any Agreement or Contract, to transfer any Amount of Capital Stock in the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen respectively, the Condition of every such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, shall be deemed in Law and Equity to be satisfied by making a Transfer of an equal Amount of Capital Stock in the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities; and that where any Party is by the Condition of any such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, bound or required to pay half-yearly Sums equal to the Dividends, on any specified Amount of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen respectively, every such Bond, Obligation, Instrument, Agreement, or Contract shall be satisfied by the Payment of half-yearly Sums equal to the Dividends of or upon the same Amount of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities.

XVII. Provided always, and be it enacted, That in every Case in which any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen respectively shall have been transferred in the way of Loan, upon any Condition in any Bond or Instrument, or under or upon any Agreement or Contract for the Repayment of such Loan, by the replacing the Amount of Stock so transferred, it shall be lawful for the Person or Persons who shall have made any such Loan,

Certificates of Amount of Stock exchanged or paid off, &c. to be sent to Commissioners for Reduction of the National Debt.

Bonds or Contracts to transfer *£* 10s. per Cents 1818 to be deemed satisfied by Transfer of *£* 5s. per Cents and New *£* per Cents.

The like as to Payment of Dividends.

Lenders of *£* 10s. per Cents 1818, on Contract to replace, may demand 100*l.* Money for every 100*l.* Stock.

or their Executors, Administrators, or Assigns, to declare an Option, and give Notice thereof in Writing, and thereby require the Repayment of One hundred Pounds of lawful Money of *Great Britain* for every One hundred Pounds Capital Stock of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, transferable at the Bank of *England*, so transferred in the way of Loan as aforesaid, and so in proportion for any greater or less Amount; and every Bond, Obligation, Instrument, Agreement, or Contract given, entered into, or made upon any such Loan or Contract shall be deemed in every such Case in Law and in Equity to entitle the Person or Persons, his, her, or their Executors, Administrators, or Assigns, to such Repayment in Money, and to demand and recover the same in any Court in which any Action, Suit, Process, or Proceeding may be brought, instituted, or carried on upon any such Bond, Obligation, Instrument, Agreement, or Contract; any thing in any such Bond or Obligation, Instrument, Agreement, or Contract to the contrary notwithstanding.

Powers of Attorney to continue in force for Sale or Transfer of *Sl. 10s. per Cent. Annuities 1818* unless legally revoked.

XVIII. And be it enacted, That every Power of Attorney in force at the Time of passing this Act for the Sale or Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, in respect of which an Assent to accept Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities may not have been signified under the Provisions of this Act, shall remain and continue in full Force, unless legally revoked, for the Purpose of enabling the Attorney or Attornies therein named to give a legal Discharge for the Principal and Dividend of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, when paid off under the Provisions of this Act, or to assent to receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen.

Powers of Attorney for receiving Dividends on Transfer of the *Sl. 10s. per Cents 1818* to remain in force for receiving Dividends, or for transferring Stock of *Sl. 5s. per Cents* and New *Sl. per Cents*.

XIX. And be it enacted, That all Powers of Attorney which may have been or hereafter may be granted, and which would have remained in force if this Act had not passed, for the Receipt of Dividends, or for Sale or Transfer of any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen transferable at the Bank of *England*, and which under or by virtue of this Act have been or shall be converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, shall continue and remain in full Force and Effect for receiving the Dividends which shall become due on the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu thereof, or for selling or transferring any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers are revoked or otherwise determined.

XX. And be it enacted, That all Trusts, whether created by Will or otherwise, and which existed either in the whole or in part, and all Directions contained in any Will or Devise or testamentary Paper which remain unexecuted at the Time of the passing of this Act, as to any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen which may under this Act be converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or as to the Payment or Distribution of any Dividends thereon, or as to the Transfer of any such Annuities in any Events specified in any such Trusts or Will or testamentary Paper, shall extend, and be deemed and construed in all Cases and in all Courts of Law and Equity in the United Kingdom, or elsewhere in any Dominions or Territories belonging to Her Majesty, to extend and to apply to all such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu of any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, subject to or affected by any such Trusts or Devises or Wills or testamentary Papers, for all Purposes and in all Cases in which such Trusts or to which any such Directions can be made applicable: Provided always, that in all Cases in which any Proportions or Parts of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen are required to be transferred under any such Trusts, or under the Provisions of or Directions contained in any Will, Devise, or testamentary Paper, or any Proportion or Part of any Dividends arising from and out of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, are required to be paid or distributed, the Transfer of a like Amount of Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and the Payment and Distribution of Dividends at the Rate of Three Pounds Five Shillings *per Centum* and New Three Pounds *per Centum* instead of Three Pounds Ten Shillings *per Centum* upon the Capital, shall be and be deemed and taken in all Courts and for all Purposes to be a due Execution of such Trusts, or of the Directions contained in any Will or testamentary Paper, and shall fully discharge the Trustee or Executor or Executors making the same, who are hereby declared to be and are hereby fully indemnified in respect of such Execution of any such Trusts and Executorship as aforesaid.

XXI. And be it enacted, That in every Case in which any Question may have arisen or may arise upon the Execution of any Trusts or upon any Distributions which may have been or may be made or may remain to be made by any Trustees, Executors, or Administrators of or in relation to or arising out of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or of any Parts or Proportions of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, which may have been vested in any Trustees, or which may have been distributable by any Executors or Administrators, or as to the Application of any Residue thereof, or as to the Distribution or Application of any Three Pounds Five Shillings *per Centum*

Trusts as to
St. 10s. per
Cents 1818
 shall extend to
St. 5s. per Cents
 and New *St. per*
Cents, and
 Directions as
 to the Appli-
 cation of *St. 10s.*
per Cents 1818
 shall be carried
 into effect by
 the Application
 of the *St. 5s.*
per Cents and
 New *St. per*
Cents.

Questions as to
 Trusts in the
St. 10s. per
Cents 1818 may
 be decided by
 Courts of Chan-
 cery or Ex-
 chequer, or by
 the Court of
 Session.

Annuities and New Three Pounds *per Centum* Annuities, transferred under the Provisions of this Act, in lieu of any Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, whether as to the Powers or Authorities of any such Trustees, Executors, or Administrators, or as to the relative Interest of any Persons entitled under any such Trusts or under Wills to receive any Annuities charged upon or arising or payable out of the Proceeds of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, and of any Persons interested in any Residue of any of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, whether under any specific Provision relating to any such Trusts, or contained in any Wills, or arising out of the Execution of any Wills by any Executors, or the Distribution of any Estates by any Administrators, and in all other Cases whatsoever in which any Question may arise in consequence of the Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, it shall be lawful for any such Trustees, Executors, or Administrators, and for Persons entitled to or interested in any such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu thereof, or in any Proceeds of any such Annuities, whether in reversion or otherwise, to make Application to the High Court of Chancery in *England*, or to the High Court of Chancery or the Court of Exchequer in *Ireland* respectively, or to the Court of Session in *Scotland*, in a summary Way, either by Motion or Petition; and it shall be lawful for the said High Courts of Chancery or Court of Exchequer in *England* or *Ireland* respectively, or for the Court of Session in *Scotland*, to make general Orders in relation to any such Question, or special Orders in a summary Way, upon any such Application, or as to any other Matter or Thing relating to any such Annuities, or to any Dividends thereof, or to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or any Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Trustees, Executors, or Administrators, or Trustee, Executor, or Administrator, or other Person or Persons interested in any of such Annuities or any Dividends thereof respectively, nor any Order or Report made or other Proceeding had in any or either of the said Courts respectively, in consequence of any Question which may arise out of any of the Provisions of this Act, in relation to the Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or any Part or Share or Shares thereof, or in relation to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created under this Act in lieu of the said

Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and all Trustees, Executors, Administrators, and other Persons acting under any Orders made by any or either of such Courts respectively, or whose Acts shall be confirmed by any or either of such Courts respectively, if done before any Application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all Actions, Suits, or Proceeding for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any such Order, or which shall be confirmed by any such Order; and in case any Action, Suit, or other Proceeding be commenced or instituted against any such Trustee, Executor, Administrator, or other Person, for or in respect of any such Act, Matter, or Thing, it shall be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced, or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

XXII. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt, and they are hereby empowered and required, to accept and receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by this Act as the Consideration for the Purchase of Life Annuities and Annuities for a certain Term of Years; and for the Purpose of ascertaining the Price of such Stock or Annuities the Cashier or Cashiers of the Bank of *England* shall and they are hereby required, on every Day on which any of the said Annuities shall have been bought at the Bank of *England*, to cause an Account to be made out of the average Price thereof, according to the Regulations prescribed by any Act or Acts now in force for ascertaining the average Price of Three Pounds *per Centum* Bank Annuities, for enabling the Purchase of Life Annuities and Annuities for a certain Term of Years, which said Account shall be transmitted to the Officer appointed by the said Commissioners, to enable him to ascertain the respective Amounts of the like Annuities which may be purchased by the Transfer of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities as aforesaid.

XXIII. And be it enacted, That when any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be transferred to the said Commissioners for the Purchase of Life Annuities, or for Annuities for a certain Term of Years, that such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be first converted by the Computation of the said Officers into Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, according to the average Price of those Stocks, to be

3l. 5s. per Cents and New 3l. per Centum Annuities may be accepted by the Commissioners for Annuities for Lives and for Terms of Years.

Mode of computing 3l. 5s. per Cents and New 3l. per Cents for Purchase of Annuities for Lives or for Terms of Years.

ascertained as herein-before directed ; and the Life Annuities and Annuities for a certain Term of Years to be granted thereon shall be calculated and ascertained upon the Amount of Three Pounds *per Centum* Bank Annuities including Fractions (if any) produced by such Conversion, according to the Provisions, Rules, and Regulations prescribed by any Act or Acts now in force enabling the said Commissioners to grant Life Annuities and Annuities for a certain Term of Years.

New Stock transferable at Banks of England and Ireland may be mutually transferred conformably to Directions of 5 G. 4. c. 53. as altered by 6 G. 4. c. 79.

XXIV. And be it enacted, That it shall and may be lawful for any Person who shall at any Time hold any Stock in the Three Pounds Five Shillings *per Centum* Annuities, or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *Ireland*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *England* ; and in like Manner it shall be lawful for any Person who shall at any Time hold any Stock in the said Three Pounds Five Shillings *per Centum* Annuities or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *England*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *Ireland* ; and all such Transfers shall be made on the Terms and Conditions and subject to all the Clauses, Directions, and Regulations contained in an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to permit the mutual Transfer of Capital in certain Public Stock or Funds transferable at the Banks of England and Ireland respectively*, as the same is altered or affected by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide for the Assimilation of the Currency and Monies of Account throughout the United Kingdom of Great Britain and Ireland* ; and all Clauses and Provisions of the said Acts relating to any Funds, Stocks, or Annuities shall extend and be construed to extend to the Annuities created by this Act, in like Manner as if the said Annuities had been specified in the said recited Acts or either of them.

Indemnifying the Bank of England for Acts done by their Officers under this Act.

XXV. And be it enacted, That this Act shall be and is hereby declared to be a full and complete Indemnity and Discharge to the said Governor and Company of the Bank of *England*, and the Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all Things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

Act may be amended, &c.

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

C A P. V.

An Act for transferring certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* and Government Debentures into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities. [22d March 1844.]

‘ 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, having taken into our serious
 ‘ Consideration the present State of the National Debt, and being
 ‘ desirous of lessening the Charge thereof, have resolved, that all
 ‘ and every Person and Persons, Bodies Politic and Corporate,
 ‘ who now is or hereafter may be interested in or entitled unto
 ‘ any Part of the National Debt redeemable by Law which now
 ‘ carries an Interest after the Rate of Three Pounds Ten Shil-
 ‘ lings *per Centum per Annum*, and known in *Ireland* by the
 ‘ several Names of Three Pounds Ten Shillings *per Centum* Old
 ‘ Stock and Government Debentures, *Irish* Three Pounds Ten
 ‘ Shillings *per Centum* Reduced Annuities, and New Three
 ‘ Pounds Ten Shillings *per Centum* Annuities and Government
 ‘ Debentures, and known in *Great Britain* by the several
 ‘ Names of Three Pounds Ten Shillings *per Centum* Reduced
 ‘ Annuities, and New Three Pounds Ten Shillings *per Centum*
 ‘ Annuities, the Dividends of which are paid either at the Bank
 ‘ of *England* or at the Bank of *Ireland* respectively, and who
 ‘ shall not signify his, her, or their Dissent in the Manner
 ‘ herein-after mentioned, shall for every One hundred Pounds
 ‘ of such Three Pounds Ten Shillings *per Centum* Annuities or
 ‘ Government Debentures receive for every One hundred Pounds
 ‘ of such Three Pounds Ten Shillings *per Centum* Annuities or
 ‘ Government Debentures One hundred Pounds in a new Stock to
 ‘ be called “Three Pounds Five Shillings *per Centum* Annuities,”
 ‘ which said Annuities shall continue to be paid at the Rate of
 ‘ Three Pounds Five Shillings *per Centum per Annum* until the
 ‘ Tenth Day of *October* One thousand eight hundred and fifty-
 ‘ four, and from and after that Date the said Annuities shall
 ‘ carry Interest at the Rate of Three Pounds *per Centum*
 ‘ *per Annum*; which said last-mentioned Annuities shall not be
 ‘ subject to Reduction until from and after the Tenth Day of
 ‘ *October* One thousand eight hundred and seventy-four; and
 ‘ the Dividends or Interest of the said Three Pounds Five Shil-
 ‘ lings *per Centum* Annuities and New Three Pounds *per Centum*
 ‘ Annuities shall be paid and payable at the Bank of *England* or
 ‘ at the Bank of *Ireland* on the Fifth Day of *April* and the Tenth
 ‘ Day of *October* in each and every Year; the first half-yearly
 ‘ Dividend on the said Three Pounds Five Shillings *per Centum*
 ‘ Annuities shall be payable on the Fifth Day of *April* One
 ‘ thousand eight hundred and forty-five; and that the said Three
 ‘ Pounds Five Shillings *per Centum* Annuities and the New
 ‘ Three Pounds *per Centum* Annuities respectively shall be free
 ‘ from all Taxes, Charges, and Impositions, in the like Manner

' as the said Three Pounds Ten Shillings *per Centum* Annuities :
 ' And have also resolved, that the Interest and Dividends pay-
 ' able in respect of the said Three Pounds Five Shillings *per*
 ' *Centum* Annuities and New Three Pounds *per Centum* Annuities
 ' shall be charged and chargeable upon the Consolidated Fund of
 ' the United Kingdom of *Great Britain and Ireland*: And have
 ' also resolved, that all and every Person and Persons, Bodies
 ' Politic or Corporate, who shall not within the Period com-
 ' mencing on *Monday* the Eleventh Day of *March* One thousand
 ' eight hundred and forty-four and ending on *Saturday* the
 ' Twenty-third Day of *March* One thousand eight hundred and
 ' forty-four, both Days inclusive, signify his, her, or their Dissent
 ' from accepting and receiving a Share in the said Three Pounds
 ' Five Shillings *per Centum* Annuities and New Three Pounds
 ' *per Centum* Annuities, in lieu of his, her, or their respective
 ' Shares in the before-mentioned Three Pounds Ten Shillings *per*
 ' *Centum* Annuities or Government Debentures, in the Manner
 ' herein-after directed, shall be deemed and taken to have con-
 ' sented to accept and receive the same; provided always, that if
 ' any Proprietor or Proprietors of the said Three Pounds Ten
 ' Shillings *per Centum* Annuities shall not be within the Limits
 ' of the United Kingdom at any Time between *Monday* the
 ' Eleventh Day of *March* One thousand eight hundred and
 ' forty-four and *Saturday* the Twenty-third Day of *March* One
 ' thousand eight hundred and forty-four, both Days inclusive,
 ' but shall be in any other Part of *Europe*, it shall be lawful for
 ' such Proprietor or Proprietors to signify such Dissent at any
 ' Time before the Second Day of *June* One thousand eight
 ' hundred and forty-four; and if any such Proprietor or Pro-
 ' prietors shall not, at any Time between the Eleventh Day of
 ' *March* One thousand eight hundred and forty-four and the
 ' Second Day of *June* One thousand eight hundred and forty-four,
 ' be within any Part of *Europe*, it shall be lawful for him, her, or
 ' them to signify such Dissent at any Time before the First Day
 ' of *February* One thousand eight hundred and forty-five, such
 ' Proprietor or Proprietors proving to the Satisfaction of the
 ' Governor or Deputy Governor of the Bank of *England*, or to
 ' the Governor or Deputy Governor of the Bank of *Ireland*, accord-
 ' ing to the Bank in which his Annuities of Three Pounds Ten
 ' Shillings *per Centum* may be placed and the Dividends and In-
 ' terest payable, his, her, or their Absence from the United King-
 ' dom or out of *Europe* as above specified, and that his, her, or
 ' their Share or Shares of such Three Pounds Ten Shillings *per*
 ' *Centum* Annuities stood in his, her, or their Name or Names
 ' respectively on the Twenty-third Day of *March* One thousand
 ' eight hundred and forty-four in the Books of the Governor and
 ' Company of the Bank to which he shall signify his Dissent;
 ' provided that such Proprietor or Proprietors so absent from
 ' the United Kingdom or out of *Europe* shall signify such his,
 ' her, or their Dissent within Ten Days after his, her, or their
 ' Return to the United Kingdom: And have also resolved, that
 ' Provision shall be made for paying off such Proprietor or Pro-
 ' prietors of any of the said Three Pounds Ten Shillings *per*
 ' *Centum* Annuities before mentioned as shall signify his, her, or
 ' their

‘ their Dissent from accepting and receiving any Share in the
‘ said Three Pounds Five Shillings *per Centum* Annuities and
‘ New Three Pounds *per Centum* Annuities in lieu thereof: And
‘ have also resolved, that all Persons, Bodies Politic and Cor-
‘ porate, possessed of any Part of the before-mentioned Three
‘ Pounds Ten Shillings *per Centum* Annuities, and who shall
‘ desire to signify such Dissent as aforesaid, shall, between the
‘ Eleventh Day of *March* One thousand eight hundred and forty-
‘ four and the Twenty-third Day of *March* One thousand eight
‘ hundred and forty-four, both inclusive, by themselves, or some
‘ Agent or Agents for that Purpose duly authorized, signify to
‘ the Governor and Company of the Bank of *England* or to the
‘ Governor and Company of the Bank of *Ireland* respectively in
‘ which their Capital Stock of Three Pounds Ten Shillings *per*
‘ *Centum* Annuities may be placed such Dissent in Writing under
‘ his, her, or their Hand or Hands, together with the Amount of
‘ his, her, or their respective Shares in the said Three Pounds
‘ Ten Shillings *per Centum* Annuities, and which said Dissent
‘ shall be entered in a Book or Books to be opened and kept by
‘ the said Governor and Company of each of the said Banks for
‘ that Purpose, and numbered in the Order in which his, her, or
‘ their Dissent shall be received by the said Governor and Com-
‘ pany of either of the said Banks; and in case of any Transfer
‘ of such Shares, or any Part or Parts thereof, after such Dis-
‘ sent, the Part or Parts so transferred shall be entered in the said
‘ Books under the same Numbers as were fixed to such Shares
‘ when the Dissent was so signified; and every such dissentient
‘ Proprietor or Proprietors, or his, her, or their Assigns under
‘ such Transfer, shall be paid off in such Order and at such
‘ Periods and in such Manner as Parliament may direct: And
‘ have also resolved, that every Proprietor or Proprietors of the
‘ said Three Pounds Ten Shillings *per Centum* Annuities the
‘ Dividends and Interest on which are payable the Fifth Day of
‘ *April* and the Tenth Day of *October* shall receive the Dividend
‘ due thereupon for the Half Year up to the Tenth Day of *October*
‘ One thousand eight hundred and forty-four, and no longer; and
‘ every Proprietor or Proprietors of the said Three Pounds Ten
‘ Shillings *per Centum* Annuities the Dividends and Interest on
‘ which are payable on the Fifth Day of *January* and the Fifth
‘ Day of *July* shall receive the Dividend due thereupon for the
‘ Half Year up to the Fifth Day of *July* One thousand eight
‘ hundred and forty-four, and shall also receive One Quarter’s
‘ Dividend thereon up to the Tenth Day of *October* One thousand
‘ eight hundred and forty-four, and no longer; and the several
‘ before-mentioned Three Pounds Ten Shillings *per Centum* An-
‘ nuities shall be paid off or converted into Three Pounds Five
‘ Shillings *per Centum* Annuities and New Three Pounds *per*
‘ *Centum* Annuities in manner aforesaid from and after the Tenth
‘ Day of *October* One thousand eight hundred and forty-four; and
‘ no Transfer of any of the before-mentioned Three Pounds Ten
‘ Shillings *per Centum* Annuities to or from the Books of the
‘ Governor and Company of the Bank of *England*, or to or from
‘ the Books of the Governor and Company of the Bank of *Ireland*,
‘ shall take place from and after the Sixth Day of *March* One
‘ thousand

‘ thousand eight hundred and forty-four: And have also resolved, that all Executors, Administrators, Guardians, and Trustees may signify such Dissent in respect of such Shares of any of the said Three Pounds Ten Shillings *per Centum* Annuities, for the holding of which their Names are made use of respectively; and all Executors, Administrators, Guardians, and Trustees not signifying such Dissent shall be deemed to have assented as aforesaid, and shall be indemnified in respect thereof:’ We, Your Majesty’s most faithful Commons, do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, Bodies Politic and Corporate, who now is or are or hereafter may be interested in or entitled unto any Part of the National Debt, redeemable by Law, which now carries an Interest after the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and known in *Ireland* by the several Names of Three Pounds Ten Shillings *per Centum* Old Stock and Government Debentures, *Irish* Three Pounds Ten Shillings *per Centum* Reduced Annuities, and New Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures, and known in *Great Britain* by the several Names of Three Pounds Ten Shillings *per Centum* Reduced Annuities and New Three Pounds Ten Shillings *per Centum* Annuities, payable at the Bank of *England* and at the Bank of *Ireland* respectively, and who shall not signify his, her, or their Dissent in manner herein-after mentioned, shall, in lieu of every One hundred Pounds of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures respectively, and so in proportion for any greater or less Amount, receive and be entitled to the Sum of One hundred Pounds in a new Stock, to be called “Three Pounds Five Shillings *per Centum* Annuities,” which said Annuities shall continue to be paid at the Rate of Three Pounds Five Shillings *per Centum per Annum* until the Tenth Day of *October* One thousand eight hundred and fifty-four, and from and after that Date the said Annuities shall carry Interest at the Rate of Three Pounds *per Centum per Annum*; which said last-mentioned Annuities shall be subject and liable to Redemption at any Time after the Tenth Day of *October* One thousand eight hundred and seventy-four, and not before that Period, and the Dividends thereof shall be payable half-yearly at the Bank of *England* and at the Bank of *Ireland* on the Fifth Day of *April* and the Tenth Day of *October* in each and every Year; the first half-yearly Dividend on the said “Three Pounds Five Shillings *per Centum* Annuities” shall be payable at the Bank of *England* and at the Bank of *Ireland* on the Fifth Day of *April* One thousand eight hundred and forty-five; and that the said Three Pounds Five Shillings *per Centum* Annuities and the New Three Pounds *per Centum* Annuities shall be free from all Taxes, Charges, and Impositions, in the like Manner as the aforesaid Three Pounds Ten Shillings *per Centum* Annuities.

II. And be it enacted, That the Interest and Dividends payable in respect of the said Three Pounds Five Shillings *per Centum*

Every Person entitled to 100*l.* 3*l.* 10*s.* per Cents, and not dissenting, shall receive Annuities carrying 3*l.* 5*s.* per Cent. Interest until October 1854, and then 3*l.* per Cent. Interest.

New 3*l.* per Cents. to be redeemable after 10th Oct. 1874.

Dividends to be paid half-yearly.

Interest to be charged on

Centum Annuities and New Three Pounds *per Centum* Annuities shall be charged and chargeable upon and shall be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in the same Manner as the Interest and Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures respectively now stand charged on the said Fund.

Consolidated
Fund.

III. And be it enacted, That all and every Person and Persons, Bodies Politic or Corporate, who shall not, on or before the Twenty-third Day of *March* One thousand eight hundred and forty-four, signify his, her, or their Dissent from accepting and receiving a Share in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, in lieu of his, her, or their respective Shares in the said respective Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures, or for any Part of such respective Shares in such last-mentioned Annuities and Government Debentures, in the Manner herein-after directed, shall be deemed and taken to have consented to accept and receive the same: Provided always, that if any Proprietor or Proprietors of the said respective Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures shall not be within the Limits of the United Kingdom at any Time between *Monday* the Eleventh Day of *March* One thousand eight hundred and forty-four and *Saturday* the Twenty-third Day of *March* One thousand eight hundred and forty-four, both Days inclusive, but shall be in any other Part of *Europe*, it shall be lawful for such Proprietor or Proprietors to signify such Dissent at any Time before the Second Day of *June* One thousand eight hundred and forty-four; and if any such Proprietor or Proprietors shall not, at any Time between the Eleventh Day of *March* One thousand eight hundred and forty-four and the Second Day of *June* One thousand eight hundred and forty-four, have been within any Part of *Europe*, it shall be lawful for him, her, or them to signify such Dissent at any Time before the First Day of *February* One thousand eight hundred and forty-five; such Proprietor or Proprietors proving, to the Satisfaction of the Governor or Deputy Governor of the Bank of *England* or Bank of *Ireland* respectively, according to the Bank in which the said Annuities of Three Pounds Ten Shillings *per Centum* and Government Debentures may be placed, his, her, or their Absence from the United Kingdom or out of *Europe*, as the Case shall happen, and that his, her, or their Share or Shares of such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures stood in his, her, or their Name or Names respectively, or in the Name or Names of any One or more Trustee or Trustees on his, her, or their Behalf, on the Twenty-third Day of *March* One thousand eight hundred and forty-four, in the Books of the Governor and Company of the Bank of *England* or Bank of *Ireland* respectively: Provided also, that such Proprietor or Proprietors so absent from the United Kingdom or out of *Europe* shall signify his, her, or their Dissent within Ten Days after his, her, or their Return to the United Kingdom.

Persons not
dissenting from
receiving New
3l. 5s. and New
3l. per Cent.
Annuities by
25th March
shall be deemed
assenting.

Further Time
allowed to Per-
sons out of the
Kingdom for
dissenting.

Persons dissenting shall signify the same to the Governor and Company of the Bank of England or Ireland respectively.

IV. And be it enacted, That all Persons and Bodies Politic or Corporate possessed of any Part of the respective Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, and who shall desire to signify such Dissent as aforesaid, shall, on or before the Twenty-third Day of *March* One thousand eight hundred and forty-four, by themselves or some Agent or Agents for that Purpose duly authorized, signify such Dissent to the Governor and Company of the Bank of *England* or to the Governor and Company of the Bank of *Ireland* respectively, in Writing under his, her, or their Hand or Hands, or the Hand or Hands of his, her, or their Agent or Agents authorized as aforesaid, together with the Amount of his, her, or their respective Shares in the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, and which said Dissents shall be entered in a Book or Books to be opened and kept by the Governor and Company of the said Banks respectively for that Purpose, and shall be numbered in the Order in which such Dissent shall be received by such Governor and Company; and in case of any Transfer of such Shares or any Part or Parts thereof, after such Dissent, the Part or Parts so transferred shall be entered in the Books of such Governor and Company under the same Numbers as were fixed to such Shares when the Dissent was so signified; and every such dissentient Proprietor or Proprietors, or his, her, or their Assigns, or the Executors or Administrators of such Assigns, under any such Transfer, shall be paid off in such Order and at such Periods and in such Manner as Parliament may direct.

Paying off
Dissentients.

Dissents of the Accountants General in Chancery, and Accountant General of Exchequer in Ireland, and Accountant in Bankruptcy in England, may be signified within a certain Time; and no Order made in relation thereto shall be subject to Stamp Duties.

V. Provided always, and be it enacted, That it shall be lawful for the Accountants General of the Courts of Chancery in *England* and *Ireland* respectively, and also for the Accountant General of the Court of Exchequer in *Ireland*, and for the Accountant in Bankruptcy in *England*, at any Time before the Eighth Day of *July* One thousand eight hundred and forty-four, to signify to the Governor and Company of the Bank of *England* or *Ireland* respectively, on behalf of any Suitors or others interested in any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures standing in the Names of such Accountants General and Accountant respectively, their Dissent under this Act in respect of any of such Annuities or Government Debentures; and general or special Orders may be made in a summary Way, either upon Application by Motion or Petition of Suitors or Persons interested, or upon Motion by Her Majesty's Attorney General, or otherwise, by the said Courts respectively, in respect of any such Annuities or Government Debentures, either as to signifying or not signifying any such Dissents, or as to any other Matter or Thing relating to any such Annuities or Government Debentures, or the Dividends thereof, or to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or the Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of

any Suitor or other Person interested in any of such Annuities or the Dividends thereof respectively, or Order or Report made or other Proceeding had in either of the said Courts respectively, in consequence of this Act, or which may arise out of any of the Provisions of this Act, in relation to the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures respectively, or any Part or Share or Shares thereof, standing in the Names of the said Accountants General of the said Courts and Accountant respectively, or in relation to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created under this Act, and hereafter stand in the Names of the said Accountants General and Accountant respectively, in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures before standing in their Names respectively, or the Dividends of such respective Annuities or Government Debentures, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding, shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and the said Accountants General and Accountant respectively shall be deemed and taken to have consented to accept and receive Shares in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in lieu of all such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures standing in their Names respectively as to which no such Dissent shall have been signified by them respectively as aforesaid; and the said Accountants General and Accountant respectively shall be and are hereby fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any of the Provisions of this Act, and also for, and in respect of their respectively not signifying in any Case such their Dissent as aforesaid; and in case any Action, Suit, or other Proceeding be commenced or instituted against the said Accountants General and Accountant, or either of them, for or in respect of any such Act, Matter, or Thing, or not signifying any Dissent as aforesaid, it shall and may be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

Indemnity for
Accountants
General and
Accountant.

VI. And be it enacted, That all Executors, Administrators, Guardians, Trustees, and all Committees of the Estates of Idiots and Lunatics, who as such shall have the Control over any Shares of the said respective Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures standing either in their own Names or in the Name or Names of any Testator or Intestate, or of any Infant or Infants or Idiot or Lunatic, may, if residing within the United Kingdom, signify such Dissent as aforesaid to the Governor and Company of the Bank of *England* or to the Governor and Company of the Bank of *Ireland* respectively at any Time before the Twentieth Day of *April* One thousand eight hundred

Executors,
Trustees, &c.
may dissent.

Indemnity for
such Executors.

hundred and forty-four; and if either of any Two or more of any such Executors, Administrators, Guardians, Trustees, or Committees shall reside out of the United Kingdom the Period within which such Dissent may be signified shall be regulated by the Residence of the most distant of such Executors, Administrators, Guardians, Trustees, or Committees, in each Case; and all Executors, Administrators, Guardians, Trustees, and Committees not signifying such Dissent within the Periods specified in this Act, according to such Residence, shall be deemed and taken to have assented to accept and receive a Share in the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and they are hereby severally and respectively indemnified for not signifying such Dissent under this Act.

Payments of
Dividends on
Sl. 10s. per
Cents and
Government
Debentures.

VII. And be it enacted, That every Person who shall be entitled to receive the Dividends upon any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures transferable at the Bank of *England* or *Ireland* the Dividends and Interest on which are payable on the Fifth Day of *April* and the Tenth Day of *October* shall receive the Dividends due thereupon for the Half Year up to the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer; and every Person who shall be entitled to receive the Dividends upon any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures the Dividends and Interest on which are payable on the Fifth Day of *January* and the Fifth Day of *July* shall receive the Dividend due thereupon for the Half Year up to the Fifth Day of *July* One thousand eight hundred and forty-four, and shall also receive One Quarter's Dividend thereon up to the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer; and the said respective Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures shall be paid off or converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities in manner aforesaid from and after the Tenth Day of *October* One thousand eight hundred and forty-four; and every Transfer of any of the said Annuities at the Rate of Three Pounds Ten Shillings *per Centum per Annum* which may have taken place to or from the Books of the Governor and Company of the Bank of *England* from or to the Books of the Governor and Company of the Bank of *Ireland* at any Time from and after the Sixth Day of *March* One thousand eight hundred and forty-four shall be and the same is hereby declared to be null and void.

Time of paying
off or Con-
version.

Transfers of
Sl. 10s. per
Cents after
6th March 1844
void.

Books to be
opened at the
Bank of Eng-
land or Ireland
for receiving the
Entry of the
Sl. 5s. and New
Sl. per Cent.
Annuities.

VIII. And be it enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* or *Ireland* respectively, at any Time on or before the Twentieth Day of *April* One thousand eight hundred and forty-four, to open Books for writing up and receiving the Entry into the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities of any of the Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures before described, belonging to any Proprietor or Proprietors who may not have expressed his, her, or their Dissent from receiving such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and who may be desirous of con-

verting his, her, or their Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures into the said Annuities at the Rate of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum* Annuities; but the Dividend or Dividends of the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which would become due on the Fifth Day of *July* One thousand eight hundred and forty-four or on the Tenth Day of *October* One thousand eight hundred and forty-four, at the Banks of *England* and *Ireland* respectively, shall be paid and payable to the Person or Persons in whose Name such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures stood immediately before they were so converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities; and the first half-yearly Dividend of such Three Pounds Five Shillings *per Centum* Annuities shall not become due until the Fifth Day of *April* One thousand eight hundred and forty-five.

Payment of Dividends of *£l. 10s.* per Cents due on 5th *July* or 10th *October*.

IX. And for the more easy and sure Payment of the Annuities established by this Act, be it enacted, That the Governor and Company of the Bank of *England* and the Governor and Company of the Bank of *Ireland* respectively, and their Successors, shall from Time to Time employ their Chief or First Cashier or Cashiers and their Accountant General in the Execution of this Act; and the Monies from Time to Time necessary for the Payment of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall, by Order of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer for the Time being, without any further Warrant to be sued for, had, or obtained in that Behalf, be issued and paid at the Receipt of the Exchequer in *England* or *Ireland* to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England* or of the Bank of *Ireland*, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the said Annuities; and every such Cashier or Cashiers to whom the said Monies shall from Time to Time be issued shall from Time to Time, without Delay, apply and pay the same accordingly, and render his or their Accounts thereof according to the due Course of the Exchequer in *England* and *Ireland* respectively.

Banks of *England* and *Ireland* shall employ their Cashier and Accountant General.

X. And be it enacted, That the Accountant General for the Time being of the Bank of *England* or Bank of *Ireland* respectively shall from Time to Time inspect and examine all Receipts and Payments of the Cashier or Cashiers of the said Banks respectively, and the Vouchers relating thereunto, in order to prevent any Fraud, Negligence, or Delay.

Accountant General shall examine Receipts, &c.

XI. And be it enacted, That the said several Annuities after the Rate of Three Pounds Five Shillings *per Centum* created by virtue of this Act, and also by virtue of another Act passed in this present Session of Parliament, intituled *An Act for transferring Three Pounds Ten Shillings per Centum per Annum Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, shall be

The several Annuities under this Act shall be One Joint Stock.

deemed, reputed, and taken to be One Capital or Joint Stock; and that all and every Person and Persons, and Bodies Politic and Corporate, whatsoever, shall have and be deemed to have a proportional Interest and Share in such Stock, and in the Annuity attending the same respectively, at the Rates aforesaid; and that such Capital or Joint Stock, or any Share or Interest therein, and the proportional Annuity attending the same respectively, shall be assignable and transferable as this Act directs, and not otherwise; and that there shall constantly be kept in the Office of the Accountant General for the Time being of the Banks of *England* and *Ireland* respectively a Book or Books wherein all Assignments or Transfers of such Capital or Joint Stock, or any Part thereof, and the proportional Annuity attending the same, at the Rates aforesaid, shall be respectively entered and registered; which Entries shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if any such Party or Parties be absent, by his, her, or their Attorney or Attornies thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and that any Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and that no other Method of assigning or transferring any such Stock, and the Annuities attending the same, or any Part thereof, or any Interest therein, shall be good and available in Law; and that no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Annuities to be
Personal Estate.

XII. And be it enacted, That all Persons and Corporations entitled to any such Annuity or Annuities of Three Pounds Five Shillings *per Centum* and New Three Pounds *per Centum* Annuities created by this Act, and their Administrators, Successors, and Assigns respectively, and all Persons and Corporations lawfully claiming under them, shall have good, sure, absolute, and indefeasible Estates and Interests in the said respective Annuities, according to the true Tenor and Meaning of this Act, and shall be possessed thereof as of a Personal Estate, devisable as such, and which shall not be descendible to Heirs, nor liable to any Foreign Attachment, by the Custom of *London* or otherwise; any Law, Custom, or Usage to the contrary notwithstanding; but no Payment shall be made nor any Transfer allowed upon any Devise until such Devise shall have been duly entered at the Bank of *England* or Bank of *Ireland* respectively, as the Case may require.

Powers of
Attorney for
Receipt of
Dividends or
for Sale or
Transfer of
3*l.* 10*s.* per
Cent shall
remain in force
for 3*l.* 5*s.* and
New 3*l.* per
Cent.

XIII. And be it enacted, That all Powers of Attorney which shall be in force at the Time of passing this Act, and which would have remained in force if this Act had not passed, for the Receipt of Dividends, or for Sale or Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which shall under or by virtue of this Act be converted into the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, shall continue and remain in full Force and Effect for receiving the Dividends which shall become due on the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by this Act in lieu thereof, or for selling or transferring any such

Three

Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and also for receiving Dividends on any further Sum of such Three Pounds Five Shillings and New Three Pounds *per Centum* Annuities which the Parties by whom such Letters of Attorney were given may hereafter purchase or acquire, until such Powers are revoked or otherwise determined.

XIV. And be it enacted, That as soon after the Expiration of the respective Periods allowed by this Act for signifying any Dissent under this Act as the same can be done Certificates shall be from Time to Time made out, and transmitted to the Commissioners for the Reduction of the National Debt in London, by the proper Officer or Officers of the Bank of England and Bank of Ireland respectively, of the Amount of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which shall have been exchanged into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or paid off under the Provisions of this Act, and of the annual Interest which shall have ceased thereby, and also of the Capital Amount of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by such Exchange, and of the annual Interest thereon.

XV. And be it enacted, That in every Case in which any Person or Persons shall at the Time of the passing of this Act be or remain bound by the Condition of any Bond or Obligation, or by the Terms of any Instrument in Writing, or by any Agreement or Contract, to transfer any Amount of Capital Stock in the said Three Pounds Ten Shillings *per Centum* Annuities, the Condition of every such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, shall be deemed in Law and Equity to be satisfied by making a Transfer of an equal Amount of Capital Stock in the Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities; and that where any Party is by the Condition of any such Bond or Obligation, or the Terms of any such Instrument in Writing, or Agreement or Contract, bound or required to pay half-yearly Sums equal to the Dividends on any specified Amount of any such Three Pounds Ten Shillings *per Centum* Annuities respectively, every such Bond, Obligation, Instrument, Agreement, or Contract shall be satisfied by the Payment of half-yearly Sums equal to the Dividends of or upon the same Amount of the said Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities.

XVI. Provided always, and be it enacted, That in every Case in which any such Three Pounds Ten Shillings *per Centum* Annuities respectively shall have been transferred in the Way of Loan upon any Condition in any Bond or Instrument or under or upon any Agreement or Contract for the Repayment of such Loan by the replacing the Amount of Stock so transferred, it shall be lawful for the Person or Persons who shall have made any such Loan, or their Executors, Administrators, or Assigns, to declare an Option, and give Notice thereof in Writing, and thereby require the Repayment of One hundred Pounds of lawful Money of the

Certificates of Amount of Stock exchanged or paid off, &c. shall be sent to Commissioners for Reduction of the National Debt.

Bonds or Contracts to transfer $\text{£} 10s.$ per Cents to be deemed satisfied by a Transfer of $\text{£} 5s.$ and New $\text{£} 3s.$ per Cents.

The like as to Payment of Dividends.

Lenders of $\text{£} 10s.$ per Cents on Contract to replace may demand 100*l.* in Money for every 100*l.* in Stock.

United Kingdom for every One hundred Pounds Capital Stock of such Three Pounds Ten Shillings *per Centum* Annuities, transferable at the Bank of *England* or Bank of *Ireland*, so transferred in the Way of Loan as aforesaid, and so in proportion for any greater or less Amount; and every Bond, Obligation, Instrument, Agreement, or Contract, given, entered into, or made upon any such Loan or Contract, shall be deemed in every such Case, in Law and in Equity, to entitle the Person or Persons, his, her, or their Executors, Administrators, or Assigns, to such Repayment in Money, and to demand and recover the same in any Court in which any Action, Suit, Process, or Proceeding may be brought, instituted, or carried on, upon any such Bond, Obligation, Instrument, Agreement, or Contract; any thing in any such Bond or Obligation, Instrument, Agreement, or Contract, to the contrary notwithstanding.

Trusts as to 3*l.* 10*s.* per Cents shall extend to 3*l.* 5*s.* and New 3*l.* per Cents, and Directions to the Application of 3*l.* 10*s.* per Cents shall be carried into effect by the Application of the 3*l.* 5*s.* and New 3*l.* per Cents.

XVII. And be it enacted, That all Trusts, whether created by Will or otherwise, and which existed either in the whole or in part, and all Directions contained in any Will or Devise or testamentary Paper, which remain unexecuted at the Time of the passing of this Act, as to any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which may under this Act be converted into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, or as to the Payment or Distribution of any Dividends thereon, or as to the Transfer of any such Annuities or Government Debentures, in any Events specified in any such Trusts or Will or testamentary Paper, shall extend, and be deemed and construed in all Cases, and in all Courts of Law and Equity in the United Kingdom, or elsewhere in any Dominions or Territories belonging to Her Majesty, to extend and to apply to all such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, subject to or affected by any such Trusts or Devises, or Wills or testamentary Papers, for all Purposes and in all Cases in which such Trusts or to which any such Directions can be made applicable: Provided always, that in all Cases in which any Proportions or Parts of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures are required to be transferred under any such Trusts, or under the Provisions of or Directions contained in any Will, Devise, or testamentary Paper, or any Proportion or Part of any Dividends arising from and out of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures are required to be paid or distributed, the Transfer of a like Amount of Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, and the Payment and Distribution of the Dividends at the Rate of Three Pounds Five Shillings *per Centum* and Three Pounds *per Centum* instead of Three Pounds Ten Shillings *per Centum* upon the Capital, shall be and be deemed and taken in all Courts and for all Purposes to be a due Execution of such Trusts, or of the Directions contained in any Will or testamentary Paper, and shall fully discharge the Trustee or Executor or Executors making the

the same, who are hereby declared to be and are hereby fully indemnified in respect of such Execution of any such Trusts and Executorship as aforesaid.

XVIII. And be it enacted, That in every Case in which any Question may have arisen or may arise upon the Execution of any Trusts, or upon any Distributions which may have been or may be made or may remain to be made, by any Trustees, Executors, or Administrators, of or in relation to or arising out of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or of any Parts or Proportions of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures which may have been vested in any Trustees, or which may have been distributable by any Executors or Administrators, or as to the Application of any Residue thereof, or as to the Distribution or Application of any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities transferred under the Provisions of this Act, in lieu of any Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, whether as to the Powers or Authorities of any such Trustees, Executors, or Administrators, or as to the relative Interest of any Persons entitled under any such Trust or under Wills to receive any Annuities charged upon or arising or payable out of the Proceeds of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, and of any Persons interested in any Residue of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, whether under any specific Provision relating to any such Trusts, or contained in any Wills, or arising out of the Execution of any Wills by any Executors, or the Distribution of any Estates by any Administrators, and in all other Cases whatsoever in which any Question may arise in consequence of the Transfer of any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures into Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities, it shall be lawful for any such Trustees, Executors, or Administrators, and for Persons entitled to or interested in any such Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created in lieu thereof, or in any Proceeds of any such Annuities, whether in reversion or otherwise, to make Application to the High Court of Chancery in *England* or to the High Court of Chancery or Court of Exchequer in *Ireland* respectively, or the Court of Session in *Scotland*, in a summary Way, either by Motion or Petition; and it shall be lawful for the said High Courts of Chancery or Court of Exchequer in *England* or *Ireland* respectively, or for the Court of Session in *Scotland*, to make General Orders in relation to any such Question or Special Orders in a summary Way, upon any such Application, or as to any other Matter or Thing relating to any such Annuities, or to any Dividends thereof, or to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created in lieu thereof, or to the Application of any such Three Pounds Five Shillings *per Centum* Annuities and New

Questions as to Trusts in the *Sl. 10s.* per Cents may be decided by the Courts of Chancery or Exchequer or by the Court of Session.

Three Pounds *per Centum* Annuities, or any Dividends thereof; and no Application, Petition, or Affidavit made by or on behalf of any Trustees, Executors, or Administrators, or Trustee, Executor, or Administrator, or other Person or Persons interested in any of such Annuities, or any Dividends thereof respectively, nor any Order or Report made or other Proceeding had in any or either of the said Courts respectively, in consequence of any Question which may arise out of any of the Provisions of this Act in relation to the Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or any Part or Share or Shares thereof, or in relation to any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities which may be created under this Act in lieu of the said Three Pounds Ten Shillings *per Centum* Annuities or Government Debentures, or the Dividends of such respective Annuities, nor any Copy or Copies of such Application, Petition, Affidavit, Order, Report, or other Proceeding shall be subject or liable to be stamped, or charged or chargeable with any Stamp Duties whatever, any thing in any Act or Acts of Parliament to the contrary notwithstanding; and all Trustees, Executors, Administrators, and other Persons acting under any Orders made by any or either of such Courts respectively, or whose Acts shall be confirmed by any or either of such Courts respectively, if done before any Application made to any or either of the said Courts respectively, shall be and are hereby fully indemnified against all Actions, Suits, or Proceedings for or in respect of any Act, Matter, or Thing done by them respectively in pursuance of or under any such Order, or which shall be confirmed by any such Order; and in case any Action, Suit, or other Proceeding be commenced or instituted against any such Trustee, Executor, Administrator, or other Person, for or in respect of any such Act, Matter, or Thing, it shall be lawful for the Court in which such Action, Suit, or Proceeding shall be commenced or shall be pending, upon summary Application, to stay, and such Court is hereby required to stay, such Action, Suit, or Proceeding, and to make such Order relative to the Costs thereof as such Court shall think expedient.

3l. 5s. per
Cents and New
3l. per Cents
may be accepted
by Commis-
sioners for Life
Annuities, &c.

XIX. And be it enacted, That it shall be lawful for the Commissioners for the Reduction of the National Debt and they are hereby empowered and required to accept and receive Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities created by this Act as the Consideration for the Purchase of Life Annuities and Annuities for a certain Term of Years respectively; and for the Purpose of ascertaining the Price of such Stock or Annuities the Cashier or Cashiers of the Bank of *England* shall and they are hereby required, on every Day on which any of the said Annuities shall have been bought at the Bank of *England*, to cause an Account to be made out of the average Price thereof according to the Regulations prescribed by any Act or Acts now in force for ascertaining the average Price of Three Pounds *per Centum* Bank Annuities for enabling the Purchase of Life Annuities and Annuities for a certain Term of Years, which said Account shall be transmitted to the Officer appointed by the said Commissioners, to enable him to ascertain the respective Amounts of the like Annuities which may be purchased

chased by the Transfer of such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities as aforesaid.

XX. And be it enacted, That when any Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be transferred to the said Commissioners, for the Purchase of Life Annuities or for Annuities for a certain Term of Years, that such Three Pounds Five Shillings *per Centum* Annuities and New Three Pounds *per Centum* Annuities shall be first converted, by the Computation of the said Officers, into Three Pounds *per Centum* Consolidated or Reduced Bank Annuities, according to the average Price of those Stocks, to be ascertained as herein-before directed; and the Life Annuities and Annuities for a certain Term of Years to be granted thereon shall be calculated and ascertained upon the Amount of Three Pounds *per Centum* Bank Annuities, including Fractions (if any), produced by such Conversion, according to the Provisions, Rules, and Regulations prescribed by any Act or Acts now in force enabling the said Commissioners to grant Life Annuities and Annuities for a certain Term of Years.

XXI. And be it enacted, That this Act shall be and the same is hereby declared to be a full and complete Indemnity and Discharge to the Governor and Company of the Bank of *England*, and to the Governor and Company of the Bank of *Ireland*, their Officers and Servants, and every of them, for all Things done or permitted to be done pursuant thereto, and that the same shall not be questioned or impeached in any Court of Law or Equity whatsoever to their Prejudice or Detriment.

XXII. And be it enacted, That it shall and may be lawful for any Person who shall at any Time hold any Stock in the Three Pounds Five Shillings *per Centum* Annuities or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *Ireland*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *England*; and in like Manner it shall be lawful for any Person who shall at any Time hold any Stock in the said Three Pounds Five Shillings *per Centum* Annuities or in the New Three Pounds *per Centum* Annuities created by this Act, transferable at the Bank of *England*, to transfer or cause to be transferred any such Annuities respectively, for the Purpose of having corresponding Sums written into and consolidated with and made Part of the Capital of the like Annuities respectively transferable at the Bank of *Ireland*; and all such Transfers shall be made on the Terms and Conditions, and subject to all the Clauses, Directions, and Regulations contained in an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to permit the mutual Transfer of Capital in certain public Stock or Funds transferable at the Banks of England and Ireland respectively*, as the same is altered or affected by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide for the Assimilation of the Currency and Monies of Account throughout the*

Mode of computing *Sl. 5s.* and New *Sl. per Cents* for Purchase of Annuities for Lives or for Terms of Years.

Indemnifying the Bank of *England* and *Ireland* for Acts done by their Officers.

New Stock transferable at Banks of *England* and *Ireland* may be mutually transferred, conformably to Directions of 5 G. 4. c. 53. as altered by 6 G. 4. c. 79.

the United Kingdom of Great Britain and Ireland; and all Clauses and Provisions of the said Acts relating to any Funds, Stocks, or Annuities shall extend and be construed to extend to the Annuities created by this Act, in like Manner as if the said Annuities had been specified in the said recited Acts or either of them.

Act may be amended, &c.

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

C A P. VI.

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 forty-four. [22d March 1844.]

C A P. VII.

An Act to indemnify Witnesses who may give Evidence during this Session before either House of Parliament touching Gaming Transactions.* [22d March 1844.]

‘ WHEREAS a Select Committee of the Lords House of Parliament was appointed, on the Fifth Day of *February* in this Year, to inquire into the Laws respecting Gaming: And whereas it is expedient to enable the said Committee, or any other Committee of either House of Parliament which has been or may be appointed in this Session of Parliament, or either of the said Houses of Parliament, at its Bar, to examine Witnesses in proof of the Operation of the Laws touching Gaming, and to indemnify such Persons upon their making such true and faithful Disclosure and Discovery as herein-after mentioned: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the more effectually prosecuting any such Inquiry every Person who may have been implicated or engaged in any Gaming Transaction, or any Transaction connected with Gaming, and who during this Session of Parliament shall be examined as a Witness at the Bar, or before any Select Committee of the Lords Spiritual and Temporal, or of the Commons, touching such Transaction, and who shall upon such Examination make a true and faithful Discovery 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 by virtue of this Act 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 Her Majesty, Her 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 Transaction, save and except any penal Action or Criminal Prosecution which was commenced before the said Fifth Day of

All Persons implicated in Gaming Transactions, who may be examined before any Select Committee of the Lords or Commons, and shall make a faithful Disclosure, indemnified.

* See ante, Cap. 3.

February, and the Forfeitures, Punishments, Disabilities, and Incapacities consequent upon any Judgment given in any such penal Action or Criminal Prosecution as last aforesaid.

II. Provided also, and be it enacted, That no such Witness shall be indemnified under this Act unless he or she shall receive from the Lord Chancellor or the Speaker of the House of Commons, or the Chairman of such Committee, 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 or the Speaker or the Chairman of such Committee shall be authorized to give; and if any Action, Information, or Indictment shall at any Time be pending in any Court, in respect of such Transaction, 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 not to be indemnified unless they shall have a Certificate of having made a faithful Disclosure.

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

Act may be amended, &c.

C A P. VIII.

An Act to facilitate the Recovery, by summary Process, of small Sums due to the Teachers of Schools in *Ireland*.

[22d March 1844.]

‘ **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 repeal the several Laws for Recovery of small Sums due for Wages in Ireland, and to make other Provisions for Recovery of such Wages*, Justices of the Peace and Chief Magistrates, within their respective Jurisdictions, are authorized to hear Complaints respecting the Nonpayment of Wages not exceeding Six Pounds, and to adjudicate thereon by summary Process: And whereas Doubts have been entertained how far the Sums recoverable by Teachers of Schools in *Ireland* come within the Provisions of the said Act, and can be so recovered; and it is expedient that such Doubts be removed:’ Now be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Sums due, agreed to be paid, or payable to any Teacher of a School for Instruction given therein shall be recoverable in the same Way, by summary Process, in the same Manner and subject to the same Conditions and Limitations as are contained in the said herein-before recited Act in respect to Wages.

54 G. 3. c. 116.

Sums due to Teachers of Schools recoverable as Wages under recited Act.

II. And be it enacted, That this Act shall apply only to that Part of the United Kingdom called *Ireland*.

Act to extend only to *Ireland*.

C A P. IX.

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

[2d April 1844.]

[*Number of Forces, 100,295. This Act is the same, except as to Dates and the Sections here inserted, as 6 & 7 Vict. c. 3.*]

The ordinary Course of Law not to be interfered with.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in Her Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary criminal Jurisdiction the Clerk of the Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate, containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier; and shall be allowed for such Certificate a Fee of Three Shillings.

Composition of General Courts-martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the Queen's Dominions, (*Bermuda, the Bahamas, Saint Helena, Africa, Jamaica, Honduras, Newfoundland, the Australian Colonies, and the Settlements on the Coast of China* excepted,) or in the Settlements of the *East India Company*, shall consist of not less than Thirteen Commissioned Officers; if convened in *Jamaica, Newfoundland, Bermuda, or the Bahamas*, or out of the Queen's Dominions, excepting *Saint Helena, Africa, Honduras, the Australian Colonies, and the Settlements on the Coast of China*, shall consist of not less than Seven, and in *Saint Helena, Africa, Honduras, the Australian Colonies, and the Settlements on the Coast of China* 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

Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time, nor Eighty-four Days in any One Year with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Powers of
General Courts-
martial.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good

Trial by
General Court-
martial for
Embezzlement.

good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Powers of
District or
Garrison
Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian Colonies*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Twenty-eight Days at a Time, nor Eighty-four Days in any One Year with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, 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, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case, 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 Infirmity, or wilfully delaying his Cure :

In purloining or selling Government Stores :

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

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money 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

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

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, or on board any Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, or to solitary Confinement for any Period not exceeding Twenty Days, or may sentence a Soldier to Imprisonment, Part thereof to be with or without hard Labour, and Part thereof in solitary Confinement: Provided always, that when such Court shall direct the Imprisonment to be part in solitary Confinement and part otherwise, the whole Period of such Imprisonment shall not exceed Twenty Days, and the Part thereof in solitary Confinement shall not exceed Ten Days; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may

Regimental
Courts-martial.

may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct.

Forfeiture of Pay and Pension by Desertion or Felony; and marking a Deserter.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony, in any Court of Civil Judicature in the United Kingdom or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Soldier convicted of Desertion to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might accrue from future Service; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, on the first and on every subsequent Conviction of Desertion, to direct, if it shall think fit, that, in addition to any other Punishment, the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Appeal.

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, except in the Cases in which an Appeal from a Regimental to a General Court-martial is expressly given by any of Her Majesty's Articles of War; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Fraudulent Confession of Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her 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 Her Majesty's Forces, as Her 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, on Conviction thereof before Two Justices of the Peace, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*.

of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and such Person, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, 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 shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, 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 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 Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

XXVII. And be it enacted, That any Soldier sentenced by a Court-martial to Imprisonment, with or without hard Labour, whether directed to be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment or not, shall undergo such Sentence in such public Prison or other Place as may in each Case by a General Court-martial be appointed by the Officer commanding the District, Garrison, Island, or Colony, and as may in each Case of any Court-martial other than a General Court-martial be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of Appointment by any such Officer, then in such public Prison or Place as may be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached: Provided always, that it shall be lawful for the Officer commanding the Regiment or Corps, in the Case of a Prisoner undergoing the Sentence of a Regimental Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison,

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Soldiers sentenced to Imprisonment to undergo Sentence in such Prison as the Officer commanding the District, &c. may direct.

Proviso for Removal of Prisoners.

Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give at any Period of any such Imprisonment, and as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be removed, in Military Custody, to some other public Prison or Place of Confinement, there to undergo the Remainder or any Part of his Sentence; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered up for Removal, and be removed, as the Case may be; provided also, that the Time of Removal from one public Prison or Place of Confinement to another shall be reckoned as Imprisonment under his Sentence.

Secretary at War may set apart Forts, Barracks, &c. as Military Prisons, and appoint Officers, and make Rules and Regulations for Government of the same.

XXVIII. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Forts, Barracks, or other Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Places where the Sentences of Courts-martial may be carried into execution, and as Military Prisons, and to declare that Two or more separate and detached Buildings shall be and thenceforth such Buildings shall be deemed and taken to be, One Military Prison for the Purpose of carrying Sentences of Courts-martial into execution, and for all other Purposes whatsoever; and every Military Prison now existing, or which may hereafter be established or so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and it shall be lawful for the Secretary at War from Time to Time to appoint a Governor or Provost Marshal, and all other necessary Officers and Servants, for any Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant, of any Military Prison; and the General or other Officer commanding any District within which may be a Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Visitor and Governor of a Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Visiting Justice or Governor of a County Gaol and House of Correction may respectively exercise as such; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the due Government and Superintendence of any Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and the Visitor or Visitors of every Military Prison shall, on or before the First Day of *July* in every Year, transmit to the Secretary at War Copies of all Rules and Regulations in force on the Twenty-fifth Day of *May* in such Year, for the Government of such Prison, together with Copies of any new or additional Rules and Regulations which he or they may propose for the Government thereof; and the Secretary at War, on or before the First Day of *August* in each Year, shall transmit to the Visitor or Visitors a Copy, subscribed by him, of

the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction, which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State, shall, with respect to Military Prisons, belong to and may be exercised by the Secretary at War.

XXIX. And be it enacted, That in all Cases the Term of Imprisonment under the Sentence, whether original or revised, of a Court-martial, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings of the Court-martial shall be signed by the President; and that every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Prisoner is to undergo; and such Governor Provost, Marshal, Gaoler, or Keeper shall keep such Soldier in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered up before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or Lock-up House shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Troops or Detachment to which the Soldier belongs; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine or to deliver up any Soldier in the Manner herein-before prescribed shall forfeit for every such Offence the Sum of One hundred Pounds.

XXXI. And be it enacted, That every Gaoler to whom any Notice shall have been given, or who shall have reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her 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.

XXXVI. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or a Staff Serjeant from the Out-Pension of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does

Custody of
Offenders under
a Military
Sentence.

Notice of
Expiration of
Imprisonment.

Enlisting and
swearing of
Recruits.

or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her 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 then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over to such Recruit, the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, 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.

Offences connected with Enlistment.

XXXVIII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed

disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices, when any such Recruit shall be brought, and shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds; and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Imposition; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on
Officers offend-
ing against
Laws regarding
Enlistment.

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

L. And be it enacted, That no Secretary at War, Paymaster general of the Army, Paymaster, or any other Officer whatsoever, their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from
and

and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-four, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

LVI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under

Definition of Terms.

Powers and Regulations as to Billets.

Exemptions from Billets.

the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tipping in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

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

LXIV. 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 Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier 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 Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers 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 ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, 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 Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled;

such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXXVIII. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary at War, any thing in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Appropriation
of Penalties.

5 & 6 W. 4. c. 76.

SCHEDULES to which this Act refers.

FORM of OATH of a JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court-until it shall be duly approved.

So help me GOD.

QUESTIONS to be put separately by the JUSTICE to a RECRUIT.

Enlisting for unlimited Service.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of _____ until you shall legally be discharged?
9. On what Day, at what Hour, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?

12. Do

12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the *East India Company*?
13. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the *East India Company*?
14. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the *East India Company*, upon any prior Enlistment?

Note.—The Justice is directed in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

C A P. X.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-five.

[2d April 1844.]

[*This Act is the same as 6 & 7 Vict. c. 9. except as to Dates, and except that the Sections of that Act relating to Clerks to Solicitors and Attornies are omitted in this Act.*]

C A P. XI.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[2d April 1844.]

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

The ordinary Course of Law not to be interfered with.

II. Provided always, and be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court, or other Officer having the Custody of the Records

Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

VI. And be it enacted, That a General Court-martial, convened in any Part of the Queen's Dominions, (*Bermuda, the Bahamas, Saint Helena, Africa, Jamaica, Honduras, Newfoundland, the Australian Colonies, and the Settlements on the Coast of China* 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 *Jamaica, Newfoundland, Bermuda, or the Bahamas*, or out of the Queen's Dominions (excepting *Saint Helena, Africa, Honduras, the Australian Colonies, and the Settlements on the Coast of China.*) shall have not less than Seven, and in *Saint Helena, Africa, Honduras, the Australian Colonies, and the Settlements on the Coast of China* 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.

Composition
of General
Courts-martial.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement; and a General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any certain Term of Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall be pleased to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, instead of causing such Sentence to be carried

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

carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to Her Majesty shall seem meet.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Africa*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian Colonies*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, whether assembled under the Authority of this Act, or of an Act of the present Session of Parliament for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with Her Majesty's Land Forces or otherwise, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, or to Corporal Punishment not extending to Life or Limb, for any such Offence; but no such solitary Confinement shall exceed Twenty-eight Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods of solitary Confinement, 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, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes: in malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military, Divisional, or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from Her Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor, or of his Allowance in lieu of Beer or Liquor, or of any Proportion thereof, or of any Portion of additional or daily Pay, for any Period not exceeding Two Years, subject to Restoration on subsequent good Conduct; and in addition to any
such

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 that such Court-martial shall not have Power to pass any Sentence of Death or Transportation; and the President of every Court-martial other than a General Court-martial shall be appointed by the Officer convening such Court-martial, and shall not be under the Rank of a Captain, save in the Case of a Detachment Court-martial holden out of Her Majesty's Dominions, or holden on board a Transport Ship, Troop Ship, Convict Ship, or Merchant Vessel.

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

Divisional
Courts-martial.

XV. And be it enacted, That every Marine convicted of Desertion by any General, District, or Garrison Court-martial, or of Felony in any Court of Criminal Judicature in the United Kingdom, or of any Crime or Offence in any Court of Civil or Criminal Judicature in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would if committed therein be Felony, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any other Punishment which such Court may award; and in addition to any other Punishment it shall be lawful for a District or Garrison Court-martial to sentence a Marine convicted of Desertion to Forfeiture of

Marking a
Deserter.

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

Trial and Punishment for Embezzlement.

XVI. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces, or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service with Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to Her Majesty; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Marines sentenced to Imprisonment to undergo Sentence in such Prison as the Court, &c. shall appoint.

Discharge or Removal of Prisoners.

XX. And be it enacted, That any Marine sentenced by a Court-martial to Imprisonment with or without hard Labour, whether directed to be kept in solitary Confinement for the whole or any Portion or Portions of such Imprisonment or not, shall undergo such Sentence in such public Prison or other Place as may in each Case be appointed by the Court, or the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony: Provided always, that it shall be lawful for the Officer commanding the Division, in the Case of a Prisoner undergoing the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give at any Period of any such Imprisonment, and as often as Occasion may arise, an Order in Writing, directing that the Prisoner may be discharged, or be removed in Military Custody

tody to some other public Prison or Place of Confinement, there to undergo the Remainder or any Part of his Sentence; and such Prisoner shall accordingly, on the Production of such Order, be discharged, or delivered up for Removal and be removed, as the Case may be: Provided also, that the Time of Removal from one public Prison or Place of Confinement to another shall be reckoned as Imprisonment under his Sentence.

XXI. And be it enacted, That every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be a public Prison within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Military Prisons established under Act for punishing Mutiny and Desertion to be deemed public Prisons.

XXII. And be it enacted, That in all Cases the Term of Imprisonment under the Sentence, whether original or revised, of a Court-martial shall be reckoned as commencing on the Day on which the original Sentence and Proceedings of the Court-martial shall be signed by the President, and that every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or House of Correction in every Part of Her Majesty's Dominions shall receive into his Custody any Marine under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing on that Behalf from the Commanding Officer of the Division to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment, which the Prisoner is to undergo; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Marine in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or delivered up before the Expiration of that Time under an Order duly made for that Purpose; and whensoever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or Lock-up House shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon his being furnished with a written Order to that Effect from the Officer commanding the Detachment to which the Marine belongs; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Lock-up House, or other Place of Confinement who shall refuse to receive and to confine or to deliver up any Marine in the Manner hereinbefore prescribed shall forfeit for every such Offence the Sum of One hundred Pounds.

Term of Imprisonment of Offenders.

XXV. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except the Cases in which an Appeal from a Divisional to a General Court-

Appeal.

Revision of
Sentence.

Court-martial against a Conviction is expressly given by any of the Articles of War to be made in pursuance of this Act; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

Forfeiture of
Pay.

XXVI. And be it enacted, That no Marine who shall absent himself without Leave, or shall desert, shall be entitled to receive any Pay for the Time during which he shall have been absent from his Duty without due Authority; nor shall any Marine be entitled to Pay, or to reckon Service towards Pay or Pension, for any Period during which he shall be in Confinement under the Sentence of any Court, or shall be absent on any Charge cognizable by any Justice of the Peace or by any Court of Criminal Judicature, or by reason of any Arrest for Debt, or while he shall be in Confinement or absent as a Prisoner of War; but if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for such Absence to the Satisfaction of his Commanding Officer, it shall be lawful for such Officer if he shall think fit, in addition to such other Punishment as he has Authority to inflict, to deprive any such Marine of his Pay for the Days on which he shall have been so absent, and thereupon such Pay shall be forfeited; in which Case such Marine shall not be liable to be afterwards tried by a Court-martial for such Absence: Provided always, that any Marine so deprived of his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture, and if acquitted of the Offence for which he shall have been in Confinement shall, upon his Return to his Duty, be allowed to receive the Arrears of Pay, and to reckon Service for the Time he shall have been so absent; and when a Marine shall rejoin Her Majesty's Service upon his Release from Confinement as a Prisoner of War due Inquiry shall be made by a Court-martial into the Circumstances of his Case, and if it shall be proved to the Satisfaction of such Court that such Marine became a Prisoner without wilful Neglect or Fault on his Part, and that he hath not served with or in any Manner aided the Enemy, and that he hath returned as soon as he possibly could to Her Majesty's Service, he may thereupon be recommended by such Court to the said Commissioners to receive the Whole or any Proportion of his Pay; and to reckon Service for the Time he shall have been so absent, and provided also, that it shall be lawful for the said Commissioners to order or withhold the Payment of the Pay of any Officer or Marine for the Period during which he shall have been absent from any of the Causes aforesaid.

Apprehension
of Deserters.

XXIX. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with to secure him, then for any Officer, Marine, or other Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who shall examine such suspected Person; and if by his Confession,

Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that any Person brought before him is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same; or if such Deserter shall be apprehended by any Soldier or Party of Soldiers of his own or any other Corps, or shall be apprehended in the Vicinity of the Head Quarters of the Corps to which he shall belong, then such Justice shall deliver such Deserter to the Party of his Corps, or may order him to be taken to the Head Quarters of the Corps, instead of committing him to Prison; and for every such Information, Commitment, and Report as aforesaid the Clerk of the said Justice may be entitled to a Fee of Two Shillings and no more; and every Gaoler or other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, notify the Fact to the said Secretary, and transmit also to the said Secretary a Copy of the Commitment.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from Her 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 Her 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, or shall have been discharged therefrom or from any other Corps as unserviceable or by Sentence of Court-martial, or shall be incapable of Service, he shall on Conviction thereof before Two Justices of the Peace be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England* 7 & 8 G. 4. c. 29. relative to *Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating* 9 G. 4. c. 55.

Fraudulent
Confession of
Desertion.

solidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith; and such Person, if in Scotland, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, 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 shall have been summarily convicted and punished in England as a Rogue and Vagabond, or in Scotland or Ireland by Commitment, 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, 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 of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record 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 Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Notice of
Expiration of
Imprisonment.

XXXIV. And be it enacted, That every Gaoler having Notice, or who shall have reason to believe or to know, that any Person in his Custody is a Marine, liable to serve Her Majesty, shall, on receiving him into Custody, and also previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

Offences con-
nected with
Enlistment.

XL. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such

Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary notwithstanding; and it shall be lawful for any Two Justices when any such Recruit shall be brought, and shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation upon being attested, to adjudge such Recruit, if in England, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in Scotland or Ireland, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in England, of an Act intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in Ireland, of an Act passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and such Recruit, if in Scotland, shall be deemed guilty of Falsehood, Fraud, and

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

7 & 8 VICT.

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

Rates for Carriages.

LI. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland* for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for the respective

respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays, and other Cars and Drays within the County

County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatsoever.

Providing for
Supply of Car-
riages, &c. in
Cases of Emer-
gency.

LII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggon, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of
Peace to direct
Payment of
Sums expended
for Carriages,
&c.

LIII. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges such reasonable Sums as shall have been expended by the Constable.

stables within their respective Jurisdictions for Carriages and Vessels over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

LIV. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of Ireland to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in Ireland in the Name of such Lord Lieutenant or Chief Governor.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LVI. 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 ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him 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 Her 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 such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

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

LVIII. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed

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

employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Definition of
Terms.

LXVII. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to *Marines* shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*; and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers,

Officers, and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly credited as such.

Marines not to be billeted in private Houses, &c.

SCHEDULE to which this Act refers.

FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged?
9. On what Day, at what Hour of the Day, and by whom were you enlisted?

10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
13. Have you served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
14. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed first to ascertain that Twenty-four Hours have elapsed since the Enlistment took place, and in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

C A P. XII.

An Act to amend the Law relating to International Copyright.
[10th May 1844.]

1 & 2 Vict. c. 59. **W**HEREAS by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for securing to Authors in certain Cases the Benefit of International Copyright* (and which Act is herein-after, for the sake of Perspicuity, designated as "the International Copyright Act"), Her Majesty was empowered by Order in Council to direct that the Authors of Books which should after a future Time, to be specified in such Order in Council, be published in any Foreign Country, to be specified in such Order in Council, and their Executors, Administrators, and Assigns, should have the sole Liberty of printing and re-printing such Books within the *British* Dominions for such Term as Her Majesty should by such Order in Council direct, not exceeding the Term which Authors, being *British* Subjects, were then, (that is to say) at the Time of passing the said Act, entitled to in respect of Books first published in the United Kingdom; and the said Act contains divers Enactments securing to Authors and their Representatives the Copyright in the Books to which any such Order in Council should extend: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law of Copyright* (and which Act is herein-after, for the sake of Perspicuity, designated as "the Copyright Amendment Act"), repealing various Acts therein mentioned relating to the Copyright of printed Books, and extending, defining, and securing to Authors and their Representatives the Copyright of Books: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Dramatic Literary Property* (and which Act is herein-after, for the sake of Perspicuity, designated as "the Dramatic Literary Property Act"), whereby the sole Liberty of representing or causing to be represented any Dramatic Piece in any Place of Dramatic Entertainment in any Part of the *British* Dominions,

which

' which should be composed and not printed or published by the
 ' Author thereof or his Assignee, was secured to such Author or
 ' his Assignee; and by the said Act it was enacted, that the
 ' Author of any such Production which should thereafter be
 ' printed and published, or his Assignee, should have the like sole
 ' Liberty of Representation until the End of Twenty-eight Years
 ' from the first Publication thereof: And whereas by the said
 ' Copyright Amendment Act the Provisions of the said Dramatic
 ' Literary Property Act and of the said Copyright Amendment
 ' Act were made applicable to Musical Compositions; and it was
 ' thereby also enacted, that the sole Liberty of representing or
 ' performing, or causing or permitting to be represented or per-
 ' formed, in any Part of the *British* Dominions, any Dramatic
 ' Piece or Musical Composition, should endure and be the Property
 ' of the Author thereof and his Assigns for the Term in the said
 ' Copyright Amendment Act provided for the Duration of the
 ' Copyright in Books, and that the Provisions therein enacted in
 ' respect of the Property of such Copyright should apply to the
 ' Liberty of representing or performing any Dramatic Piece or
 ' Musical Composition: And whereas under or by virtue of the
 ' Four several Acts next herein-after mentioned; (that is to say,)
 ' an Act passed in the Eighth Year of the Reign of His late
 ' Majesty King George the Second, intituled *An Act for the Encouragement of the Arts of designing, engraving, and etching historical and other Prints, by vesting the Properties thereof in the Inventors or Engravers during the Time therein mentioned;* 8G. 2. c. 13.
 ' an Act passed in the Seventh Year of His late Majesty King
 ' George the Third, intituled *An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second, for Encouragement of the Arts of designing, engraving, and etching historical and other Prints; and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints;* an Act 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 an Act passed in the
 ' Session of Parliament held in the Sixth and Seventh Years of
 ' the Reign of His late Majesty King William the Fourth, inti-
 ' tuled *An Act to extend the Protection of Copyright in Prints and Engravings to Ireland;* (and which said Four several Acts
 ' are herein-after, for the sake of Perspicuity, designated as the
 ' Engraving Copyright Acts;) every Person who invents or de-
 ' signs, engraves, etches, or works in Mezzotinto or Chiaro-oscuro,
 ' or from his own Work, Design, or Invention causes or procures
 ' to be designed, engraved, etched, or worked in Mezzotinto or
 ' Chiaro-oscuro, any historical Print or Prints, or any Print or
 ' Prints of any Portrait, Conversation, Landscape, or Architec-
 ' ture, Map, Chart, or Plan, or any other Print or Prints what-
 ' soever, and every Person who engraves, etches, or works in
 ' Mezzotinto or Chiaro-oscuro, or causes to be engraved, etched,
 ' or worked, any Print taken from any Picture, Drawing, Model,
 ' or Sculpture, either ancient, or modern, notwithstanding such
 ' Print shall not have been graven or drawn from the original
 ' Design

38 G. 3. c. 71.

54 G. 3. c. 56.

' Design of such Graver, Etcher, or Draftsman, is entitled to the
 ' Copyright of such Print for the Term of Twenty-eight Years
 ' from the first publishing thereof; and by the said several En-
 ' graving Copyright Acts it is provided that the Name of the
 ' Proprietor shall be truly engraved on each Plate, and printed
 ' on every such Print, and Remedies are provided for the In-
 ' fringement of such Copyright: And whereas under and by
 ' virtue of an Act passed in the Thirty-eighth Year of the Reign
 ' of His late Majesty King *George the Third*, intituled *An Act*
 ' *for encouraging the Art of making new Models and Casts of*
 ' *Busts and other Things therein mentioned*, and of an Act passed
 ' in the Fifty-fourth Year of the Reign of His late Majesty King
 ' *George the Third*, intituled *An Act to amend and render more*
 ' *effectual an Act of His present Majesty, for encouraging the*
 ' *Art of making new Models and Casts of Busts and other*
 ' *Things therein mentioned, and for giving further Encourage-*
 ' *ment to such Arts*, (and which said Acts are, for the sake of
 ' Perspicuity, herein-after designated as the Sculpture Copyright
 ' Acts,) every Person who makes or causes to be made any new
 ' and original Sculpture, or Model or Copy or Cast of the Human
 ' Figure, any Bust or Part of the Human Figure clothed in
 ' Drapery or otherwise, any Animal or Part of any Animal
 ' combined with the Human Figure or otherwise, any Subject,
 ' being Matter of Invention in Sculpture, any *Alto* or *Basso*
 ' *Relievo*, representing any of the Matters aforesaid, or any Cast
 ' from Nature of the Human Figure or Part thereof, or of any
 ' Animal or Part thereof, or of any such Subject representing
 ' any of the Matters aforesaid, whether separate or combined, is
 ' entitled to the Copyright in such new and original Sculpture,
 ' Model, Copy, and Cast, for Fourteen Years from first putting
 ' forth and publishing the same, and for an additional Period of
 ' Fourteen Years in case the original Maker is living at the End
 ' of the first Period; and by the said Acts it is provided that the
 ' Name of the Proprietor, with the Date of the Publication
 ' thereof, is to be put on all such Sculptures, Models, Copies, and
 ' Casts, and Remedies are provided for the Infringement of such
 ' Copyright: And whereas the Powers vested in Her Majesty by
 ' the said International Copyright Act are insufficient to enable
 ' Her Majesty to confer upon Authors of Books first published in
 ' Foreign Countries Copyright of the like Duration, and with the
 ' like Remedies for the Infringement thereof, which are conferred
 ' and provided by the said Copyright Amendment Act with respect
 ' to Authors of Books first published in the *British* Dominions;
 ' and the said International Copyright Act does not empower
 ' Her Majesty to confer any exclusive Right of representing or
 ' performing Dramatic Pieces or Musical Compositions first pub-
 ' lished in Foreign Countries upon the Authors thereof, nor to
 ' extend the Privilege of Copyright to Prints and Sculpture first
 ' published abroad; and it is expedient to vest increased Powers
 ' in Her Majesty in this respect, and for that Purpose to repeal the
 ' said International Copyright Act, and to give such other Powers
 ' to Her Majesty, and to make such further Provisions, as are
 ' herein-after contained: Be it therefore enacted by the Queen's
 ' most Excellent Majesty, by and with the Advice and Consent of
 ' the

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act herein designated as the International Copyright Act shall be and the same is hereby repealed.

Repeal of International Copyright Act.

II. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that, as respects all or any particular Class or Classes of the following Works, (namely,) Books, Prints, Articles of Sculpture, and other Works of Art, to be defined in such Order, which shall after a future Time, to be specified in such Order, be first published in any Foreign Country to be named in such Order, the Authors, Inventors, Designers, Engravers, and Makers thereof respectively, their respective Executors, Administrators, and Assigns, shall have the Privilege of Copyright therein during such Period or respective Periods as shall be defined in such Order, not exceeding, however, as to any of the above-mentioned Works, the Term of Copyright which Authors, Inventors, Designers, Engravers, and Makers of the like Works respectively first published in the United Kingdom may be then entitled to under the herein-before recited Acts respectively, or under any Acts which may hereafter be passed in that Behalf.

Her Majesty, by Order in Council, may direct that Authors, &c. of Works first published in Foreign Countries shall have Copyright therein within Her Dominions.

III. And be it enacted, That in case any such Order shall apply to Books, all and singular the Enactments of the said Copyright Amendment Act, and of any other Act for the Time being in force with relation to the Copyright in Books first published in this Country, shall, from and after the Time so to be specified in that Behalf in such Order, and subject to such Limitation as to the Duration of the Copyright as shall be therein contained, apply to and be in force in respect of the Books to which such Order shall extend, and which shall have been registered as herein-after is provided, in such and the same Manner as if such Books were first published in the United Kingdom, save and except such of the said Enactments, or such Parts thereof, as shall be excepted in such Order, and save and except such of the said Enactments as relate to the Delivery of Copies of Books at the *British Museum*, and to or for the Use of the other Libraries mentioned in the said Copyright Amendment Act.

If the Order applies to Books, the Copyright Law as to Books first published in this Country shall apply to those to which the Order relates, with certain Exceptions.

IV. And be it enacted, That in case any such Order shall apply to Prints, Articles of Sculpture, or to any such other Works of Art as aforesaid, all and singular the Enactments of the said Engraving Copyright Acts and the said Sculpture Copyright Acts, or of any other Act for the Time being in force with relation to the Copyright in Prints or Articles of Sculpture first published in this Country, and of any Act for the Time being in force with relation to the Copyright in any similar Works of Art first published in this Country, shall, from and after the Time so to be specified in that Behalf in such Order, and subject to such Limitation as to the Duration of the Copyright as shall be therein contained respectively, apply to and be in force in respect of the Prints, Articles of Sculpture, and other Works of Art to which such Order shall extend, and which shall have been registered as herein-after is provided, in such and the same Manner as if such Articles and other Works of Art were first published in the United Kingdom,

If the Order applies to Prints, Sculptures, &c., the Copyright Law as to Prints or Sculptures first published in this Country shall apply to those to which such Order relates.

save

save and except such of the said Enactments or such Parts thereof as shall be excepted in such Order.

Her Majesty, may, by Order in Council, direct that Authors and Composers of Dramatic Pieces and Musical Compositions first publicly represented and performed in Foreign Countries shall have similar Rights in the British Dominions.

V. And be it enacted, That it shall be lawful for Her Majesty, by any Order of Her Majesty in Council, to direct that the Authors of Dramatic Pieces and Musical Compositions which shall after a future Time, to be specified in such Order, be first publicly represented or performed in any Foreign Country to be named in such Order, shall have the sole Liberty of representing or performing in any Part of the *British* Dominions such Dramatic Pieces or Musical Compositions during such Period as shall be defined in such Order, not exceeding the Period during which Authors of Dramatic Pieces and Musical Compositions first publicly represented or performed in the United Kingdom may for the Time be entitled by Law to the sole Liberty of representing and performing the same; and from and after the Time so specified in any such last-mentioned Order the Enactments of the said Dramatic Literary Property Act and of the said Copyright Amendment Act, and of any other Act for the Time being in force with relation to the Liberty of publicly representing and performing Dramatic Pieces or Musical Compositions, shall, subject to such Limitation as to the Duration of the Right conferred by any such Order as shall be therein contained, apply to and be in force in respect of the Dramatic Pieces and Musical Compositions to which such Order shall extend, and which shall have been registered as herein-after is provided, in such and the same Manner as if such Dramatic Pieces and Musical Compositions had been first publicly represented and performed in the *British* Dominions, save and except such of the said Enactments or such Parts thereof as shall be excepted in such Order.

Particulars to be observed as to Registry and to Delivery of Copies.

VI. Provided always, and be it enacted, That no Author of any Book, Dramatic Piece, or Musical Composition, or his Executors, Administrators, or Assigns, and no Inventor, Designer, or Engraver of any Print, or Maker of any Article of Sculpture, or other Work of Art, his Executors, Administrators, or Assigns, shall be entitled to the Benefit of this Act, or of any Order in Council to be issued in pursuance thereof, unless, within a Time or Times to be in that Behalf prescribed in each such Order in Council, such Book, Dramatic Piece, Musical Composition, Print, Article of Sculpture, or other Work of Art, shall have been so registered, and such Copy thereof shall have been so delivered as herein-after is mentioned; (that is to say,) as regards such Book, and also such Dramatic Piece or Musical Composition, (in the event of the same having been printed,) the Title to the Copy thereof, the Name and Place of Abode of the Author or Composer thereof, the Name and Place of Abode of the Proprietor of the Copyright thereof, the Time and Place of the first Publication, Representation, or Performance thereof, as the Case may be, in the Foreign Country named in the Order in Council under which the Benefits of this Act shall be claimed, shall be entered in the Register Book of the Company of Stationers in *London*, and One printed Copy of the whole of such Book, and of such Dramatic Piece or Musical Composition, in the event of the same having been printed, and of every Volume thereof, upon the best Paper upon

upon which the largest Number or Impression of the Book, Dramatic Piece, or Musical Composition shall have been printed for Sale, together with all Maps and Prints relating thereto, shall be delivered to the Officer of the Company of Stationers at the Hall of the said Company; and as regards Dramatic Pieces and Musical Compositions in Manuscript, the Title to the same, the Name and Place of Abode of the Author or Composer thereof, the Name and Place of Abode of the Proprietor of the Right of representing or performing the same, and the Time and Place of the first Representation or Performance thereof in the Country named in the Order in Council under which the Benefit of the Act shall be claimed, shall be entered in the said Register Book of the said Company of Stationers in *London*; and as regards Prints, the Title thereof, the Name and Place of Abode of the Inventor, Designer, or Engraver thereof, the Name of the Proprietor of the Copyright therein, and the Time and Place of the first Publication thereof in the Foreign Country named in the Order in Council under which the Benefits of the Act shall be claimed, shall be entered in the said Register Book of the said Company of Stationers in *London*, and a Copy of such Print, upon the best Paper upon which the largest Number or Impressions of the Print shall have been printed for Sale, shall be delivered to the Officer of the Company of Stationers at the Hall of the said Company; and as regards any such Article of Sculpture, or any such other Work of Art as aforesaid, a descriptive Title thereof, the Name and Place of Abode of the Maker thereof, the Name of the Proprietor of the Copyright therein, and the Time and Place of its first Publication in the Foreign Country named in the Order in Council under which the Benefit of this Act shall be claimed shall be entered in the said Register Book of the said Company of Stationers in *London*; and the Officer of the said Company of Stationers receiving such Copies so to be delivered as aforesaid shall give a Receipt in Writing for the same, and such Delivery shall to all Intents and Purposes be a sufficient Delivery under the Provisions of this Act.

VII. Provided always, and be it enacted, That if a Book be published anonymously it shall be sufficient to insert in the Entry thereof in such Register Book the Name and Place of Abode of the first Publisher thereof, instead of the Name and Place of Abode of the Author thereof, together with a Declaration that such Entry is made either on behalf of the Author or on behalf of such first Publisher, as the Case may require.

VIII. And be it enacted, That the several Enactments in the said Copyright Amendment Act contained with relation to keeping the said Register Book, and the Inspection thereof, the Searches therein, and the Delivery of certified and stamped Copies thereof, the Reception of such Copies in Evidence, the making of false Entries in the said Book, and the Production in Evidence of Papers falsely purporting to be Copies of Entries in the said Book, the Applications to the Courts and Judges by Persons aggrieved by Entries in the said Book, and the expunging and varying such Entries, shall apply to the Books, Dramatic Pieces, and Musical Compositions, Prints, Articles of Sculpture, and other Works of Art, to which any Order in Council issued in pursuance of this Act

In case of Books published anonymously, Name of Publisher to be sufficient.

The Provisions of the Copyright Amendment Act as regards Entries in the Register Book of the Company of Stationers, &c. to apply to Entries under this Act.

Act shall extend, and to the Entries and Assignments of Copyright and Proprietorship therein, in such and the same Manner as if such Enactments were here expressly enacted in relation thereto, save and except that the Forms of Entry prescribed by the said Copyright Amendment Act may be varied to meet the Circumstances of the Case, and that the Sum to be demanded by the Officer of the said Company of Stationers for making any Entry required by this Act shall be One Shilling only.

As to expunging or varying Entry grounded in wrongful first Publication.

IX. And be it enacted, That every Entry made in pursuance of this Act of a first Publication shall be *primâ facie* Proof of a rightful first Publication; but if there be a wrongful first Publication, and any Party have availed himself thereof to obtain an Entry of a spurious Work, no Order for expunging or varying such Entry shall be made unless it be proved to the Satisfaction of the Court or of the Judge taking cognizance of the Application for expunging or varying such Entry, first, with respect to a wrongful Publication in a Country to which the Author or first Publisher does not belong, and in regard to which there does not subsist with this Country any Treaty of International Copyright, that the Party making the Application was the Author or first Publisher, as the Case requires; second, with respect to a wrongful first Publication either in the Country where a rightful first Publication has taken place, or in regard to which there subsists with this Country a Treaty of International Copyright, that a Court of competent Jurisdiction in any such Country where such wrongful first Publication has taken place has given Judgment in favour of the Right of the Party claiming to be the Author or first Publisher.

Copies of Books wherein Copyright is subsisting under this Act printed in Foreign Countries other than those wherein the Book was first published prohibited to be imported.

X. And be it enacted, That all Copies of Books wherein there shall be any subsisting Copyright under or by virtue of this Act, or of any Order in Council made in pursuance thereof, printed or reprinted in any Foreign Country except that in which such Books were first published, shall be and the same are hereby absolutely prohibited to be imported into any Part of the *British* Dominions, except by or with the Consent of the registered Proprietor of the Copyright thereof, or his Agent authorized in Writing, and if imported contrary to this Prohibition the same and the Importers thereof shall be subject to the Enactments in force relating to Goods prohibited to be imported by any Act relating to the Customs; and as respects any such Copies so prohibited to be imported, and also as respects any Copies unlawfully printed in any Place whatsoever of any Books wherein there shall be any such subsisting Copyright as aforesaid, any Person who shall in any Part of the *British* Dominions import such prohibited or unlawfully printed Copies, or who, knowing such Copies to be so unlawfully imported or unlawfully printed, shall sell, publish, or expose to sale or hire, or shall cause to be sold, published, or exposed to sale or hire, or have in his Possession for sale or hire, any such Copies so unlawfully imported or unlawfully printed, such Offender shall be liable to a special Action on the Case at the Suit of the Proprietor of such Copyright, to be brought and prosecuted in the same Courts and in the same Manner, and with the like Restrictions upon the Proceedings of the Defendant, as are respectively prescribed in the said Copyright Amendment Act with relation to Actions thereby

authorized to be brought by Proprietors of Copyright against Persons importing or selling Books unlawfully printed in the *British Dominions*.

XI. And be it enacted, That the said Officer of the said Company of Stationers shall receive at the Hall of the said Company every Book, Volume, or Print so to be delivered as aforesaid, and within One Calendar Month after receiving such Book, Volume, or Print shall deposit the same in the Library of the *British Museum*.

Books, &c. to be deposited in the British Museum.

XII. Provided always, and be it enacted, That it shall not be requisite to deliver to the said Officer of the said Stationers Company any printed Copy of the Second or of any subsequent Edition of any Book or Books so delivered as aforesaid, unless the same shall contain Additions or Alterations.

Second or subsequent Editions.

XIII. And be it enacted, That the respective Terms to be specified by such Orders in Council respectively for the Continuance of the Privilege to be granted in respect of Works to be first published in Foreign Countries may be different for Works first published in different Foreign Countries and for different Classes of such Works; and that the Times to be prescribed for the Entries to be made in the Register Book of the Stationers Company, and for the Deliveries of the Books and other Articles to the said Officer of the Stationers Company, as herein-before is mentioned, may be different for different Foreign Countries and for different Classes of Books or other Articles.

Orders in Council may specify different Periods for different Countries and Classes of Works.

XIV. Provided always, and be it enacted, That no such Order in Council shall have any Effect unless it shall be therein stated, as the Ground for issuing the same, that due Protection has been secured by the Foreign Power so named in such Order in Council for the Benefit of Parties interested in Works first published in the Dominions of Her Majesty similar to those comprised in such Order.

No Order to have Effect unless it states that reciprocal Protection is secured.

XV. And be it enacted, That every Order in Council to be made under the Authority of this Act shall as soon as may be after the making thereof by Her Majesty in Council be published in the *London Gazette*, and from the Time of such Publication shall have the same Effect as if every Part thereof were included in this Act.

Orders to be published in Gazette, &c.

XVI. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

To be laid before Parliament.

XVII. And be it enacted, That it shall be lawful for Her Majesty by an Order in Council previously made under the Authority of this Act, but nevertheless without Prejudice to any Rights acquired previously to such Revocation or Alteration.

May be revoked.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent the printing, Publication, or Sale of any Translation of any Book the Author whereof and his Assigns may be entitled to the Benefit of this Act.

Translations.

XIX. And be it enacted, That neither the Author of any Book, nor the Author or Composer of any Dramatic Piece or Musical Composition, nor the Inventor, Designer, or Engraver of any

Authors of Works first published in Foreign Countries, Print,

tries not entitled except under this Act.

Print, nor the Maker of any Article of Sculpture, or of such other Work of Art as aforesaid, which shall after the passing of this Act be first published out of Her Majesty's Dominions, shall have any Copyright therein respectively, or any exclusive Right to the public Representation or Performance thereof, otherwise than such (if any) as he may become entitled to under this Act.

Interpretation Clause.

XX. And be it enacted, That in the Construction of this Act the Word "Book" shall be construed to include "Volume," "Pamphlet," "Sheet of Letter-press," "Sheet of Music," "Map," "Chart," or "Plan;" and the Expression "Articles of Sculpture" shall mean all such Sculptures, Models, Copies, and Casts as are described in the said Sculpture Copyright Acts, and in respect of which the Privileges of Copyright are thereby conferred; and the Words "printing" and "re-printing" shall include engraving and any other Method of multiplying Copies; and the Expression "Her Majesty" shall include the Heirs and Successors of Her Majesty; and the Expressions "Order of Her Majesty in Council," "Order in Council," and "Order," shall respectively mean Order of Her Majesty acting by and with the Advice of Her Majesty's Most Honourable Privy Council; and the Expression "Officer of the Company of Stationers" shall mean the Officer appointed by the said Company of Stationers for the Purposes of the said Copyright Amendment Act; and in describing any Persons or Things any Word importing the Plural Number shall mean also One Person or Thing, and any Word importing the Singular Number shall include several Persons or Things, and any Word importing the Masculine shall include also the Feminine Gender; unless in any of such Cases there shall be something in the Subject or Context repugnant to such Construction.

Act may be amended, &c

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

C A P. XIII.

An Act to extend until the First Day of *January* One thousand eight hundred and forty-five, and to the End of the then next Session of Parliament, the Time within which Conveyances may be made on behalf of the Crown of and Disputes settled with regard to Encroachments in the Forest of *Dean*.
[10th *May* 1844.]

1 & 2 Vict. c. 42.

‘ WHEREAS an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to confirm the Titles to and to grant Leases of Encroachments in the Forest of Dean in the County of Gloucester*, and under the Powers and subject to the Provisions of the said Act the Titles to many Encroachments in the said Forest have been confirmed by the said Commissioners on behalf of Her Majesty; but the Time limited for granting Conveyances of Encroachments having expired on the Twenty-seventh Day of *July* One thousand eight hundred and forty-three, and many Applications having been since received by the said

' said Commissioners, which cannot be complied with unless further Time be given for granting such Conveyances,' May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, as regards the said Encroachments coloured Blue and Yellow in the said recited Act mentioned, the Time within which Conveyances thereof may be granted by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, upon the Terms in the said recited Act mentioned, shall be and is hereby extended from the said Twenty-seventh Day of *July* One thousand eight hundred and forty-three to the First Day of *January* One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament.

The Time for granting certain Conveyances of Encroachments extended to 1st Jan. 1845.

II. And be it enacted, That as regards Conveyances already granted or purported to be granted by the said Commissioners under the Powers of the said recited Act, such Conveyances shall be and are hereby severally ratified and confirmed.

Conveyances already granted confirmed.

III. And be it enacted, That as regards any Disputes or Questions now pending, or which during the Continuance of this Act may arise, between Two or more Persons as to their Rights or Claims to have a Lease or Conveyance of any of the before-mentioned Encroachments granted to them in pursuance of this or the said recited Act, it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to refer such Disputes or Questions to the Verderors of the said Forest; and the said Verderors are hereby authorized to inquire and determine, by such Means and in such Manner as they shall think fit, who in the Opinion of the said Verderors is or are best entitled to have a Lease or Conveyance of the Encroachment or Encroachments in dispute; and the Report in Writing of the said Verderors, or any Two of them, made to the said Commissioners, shall be final and conclusive as to the Rights of the disputing Parties.

Disputes now pending or which may arise respecting Rights to Leases, &c. of Encroachments to be settled by the Verderors.

IV. And be it enacted, That all the Powers and Provisions of the said recited Act, in so far as they are not inconsistent with or repugnant to the Provisions of this Act, shall be deemed and construed to extend to this Act, and as if the Powers and Provisions of the said recited Act were herein severally and at length repeated, and as if the Time within which Conveyances of Encroachments might be made by the said Commissioners under the Powers of the said recited Act had been thereby extended as provided and declared by this Act.

Powers of recited Act extended to this Act.

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

Act may be amended, &c.

C A P. XIV.

An Act for raising the Sum of Eighteen millions four hundred and seven thousand three hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-four. [10th *May* 1844.]

C A P. XV.

An Act to amend the Laws relating to Labour in Factories. [6th *June* 1844.]

‘ WHEREAS the Laws relating to Labour in Factories require to be amended:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall take effect from and after the First Day of *October* in the Year One thousand eight hundred and forty-four, except any Provisions for the taking effect of which any other Time shall be hereinafter specially limited, all which last-mentioned Provisions shall take effect from and after such Time as shall be hereinafter specially mentioned in that Behalf.

Commence-
ment of Act.

Restriction on
Power of In-
spectors and
Sub-Inspectors.

s&4 W. 4. c.103.

Their Ex-
emption from
certain Duties.

Power of
Inspectors and
Sub-Inspectors.

II. And be it enacted, That after the passing of this Act no Inspector of Factories shall have Power in that Capacity to act as a Magistrate, or to make Rules, Regulations, and Orders as authorized by an Act, hereinafter called “the Factory Act,” passed in the Fourth Year of the Reign of His late Majesty, and intituled *An Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom*, except as hereinafter mentioned; and that no Inspector or Person appointed to superintend the Execution of the Provisions of the Factory Act and of this Act, under the Direction of an Inspector, hereinafter called a Sub-Inspector, shall be liable to serve upon any Jury, or to serve any Parochial or Municipal Office, so long as he shall continue to hold the Office of Inspector or Sub-Inspector.

III. And be it enacted, That every Inspector and Sub-Inspector shall have Power to enter every Part of any Factory at any Time, by Day or by Night, when any Person shall be employed therein, and to enter by Day any Place which he shall have Reason to believe to be a Factory, and to enter any School in which Children employed in Factories are educated, and at all Times to take with him into any Factory the certifying Surgeon of the District hereinafter mentioned, and any Constable or other Peace Officer whom he may need to assist him, and shall have Power to examine, either alone or in the Presence of any other Person, as he shall think fit, every Person whom he shall find in a Factory or in such a School, or whom he shall have Reason to believe to be or to have been employed in a Factory within Two Months next preceding the Time when he shall require him to be examined touching any Matter within the Provisions of this Act, and the Inspector or Sub-Inspector may, if he shall see fit, require such Person to make and sign a Declaration of the Truth of the
Matters

Matters respecting which he shall have been or shall be so examined; and every Inspector and Sub-Inspector shall have Power to examine the Registers, Certificates, Notices, and other Documents kept in pursuance of this Act; and every Person who shall refuse to be examined as aforesaid, or who shall refuse to sign his Name or affix his Mark to a Declaration of the Truth of the Matters respecting which he shall have been examined, or who shall in any Manner attempt to conceal or otherwise prevent any Child or other Person from appearing before or being examined by an Inspector or Sub-Inspector, or who shall prevent or knowingly delay the Admission of an Inspector or Sub-Inspector to any Part of a Factory or School, or shall prevent an Inspector or Sub-Inspector from examining any Register, Certificate, Notice, or other Document kept in pursuance of this Act, shall be deemed guilty of wilfully obstructing the Inspector or Sub-Inspector in the Execution of the Powers intrusted to him.

IV. And be it enacted, That the Provisions of 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 their Warrants*, as amended by any subsequent Act, so far as they relate to rendering Justices of the Peace more safe in the Execution of their Office, shall extend to protect the Inspectors and Sub-Inspectors in the Exercise of their Duties under this Act.

Protection of
Inspectors and
Sub-Inspectors.
24 G. 2. c. 44.

V. And be it enacted, That a proper Office, to be called "The Office of the Factory Inspectors," shall be provided in *London* or *Westminster* for the Use of the Inspectors, and for the Preservation of the Factory Records, and all Documents relating to the several Proceedings under this Act; and One of Her Majesty's Principal Secretaries of State shall appoint from Time to Time such Clerks and Servants as may be deemed necessary to carry on the Business of the said Office, and may at pleasure remove them or any of them; and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* shall fix the Salaries of the Clerks and Servants in fit Proportion according to the Duties they may have to perform.

Office of Fac-
tory Inspectors.

VI. And be it enacted, That One of Her Majesty's Principal Secretaries of State, or the Inspectors, with the Approval of such Principal Secretary, from Time to Time may make Regulations for the Management of the said Office, and for regulating the Duties of the several Inspectors and Sub-Inspectors, and of the Clerks and Servants of the said Office, 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 Inspectors and Sub-Inspectors, Clerks, and Servants respectively.

Management of
the Office, and
regulating the
Duties of the
Inspectors, &c.

VII. And be it enacted, That after the passing of this Act every Person, on beginning to occupy a Factory, shall within One Month send, addressed "To the Office of the Factory Inspectors, *London*," a written Notice, containing the Name of the Factory, the Place, Township, Parish, and County where it is situated, the Post Office to which he desires his Letters to be addressed, the Nature of the Work, the Nature and Amount of the moving

Persons begin-
ning to occupy
a Factory to
send Notice to
Office of In-
spectors.

Power, and the Name of the Firm under which the Business of the Factory is to be carried on.

Certifying Surgeons to be appointed by an Inspector.

VIII. And be it enacted, That after the passing of this Act any Inspector shall have Power to appoint a sufficient Number of Persons practising Surgery or Medicine to be certifying Surgeons, for the Purpose of examining Persons who shall be brought before them to obtain the Surgical Certificates of Age required by the Factory Act and by this Act, and of giving the said Certificates, and shall from Time to Time make Regulations for their Guidance, and shall in every such Appointment specify the Factories or District for which each Surgeon is appointed, and may from Time to Time annul any such Appointment, and in like Manner make another or others; but every Appointment of a certifying Surgeon, and every Order annulling such Appointment, may be revoked by the Secretary of State, on Appeal made to him for either Purpose; and the Inspector of the District shall make known the Name of the certifying Surgeons so from Time to Time appointed or discontinued to the Occupiers of the Factories in that District in such Manner as to him shall seem fit; but no Surgeon, being the Occupier of a Factory, or having a beneficial Interest in any Factory, shall be a certifying Surgeon.

Form of Surgical Certificate.

IX. And be it enacted, That the Certificates of Age required by the Factory Act or by this Act, herein called Surgical Certificates, shall be given according to the Form and Directions contained in the Schedule (A.) annexed to this Act; and the Certificates given by any such certifying Surgeon shall be as valid as if countersigned by an Inspector, Justice of the Peace, or Burgh Magistrate; and the Name of every Person for whom a Certificate of Age is required by the Factory Act or by this Act, and the Date of the First Day of Employment or Re-employment of such Person, shall be registered in the Form and according to the Directions given in the Schedule (B.) annexed to this Act, before it shall be lawful to employ such Person in a Factory: Provided always, that no Surgical Certificate shall be required for any young Person above the Age of Sixteen Years.

Certificates not given by certifying Surgeon must be by Persons duly authorized, and countersigned by a Magistrate.

X. And be it enacted, That no such Surgical Certificate given by any Person who is not an appointed certifying Surgeon shall be of any Force, unless it is given by a Person duly authorized by an University or College, or other public Body having Authority in that Behalf, to practise Surgery or Medicine, and countersigned, according to the Form and Directions given in the Schedule (A.) to this Act annexed, by some Justice of the Peace, not being the Occupier of a Factory, and not being the Father, Son, or Brother of the Occupier of a Factory; and no Person shall countersign any such Surgical Certificate in the Absence of the Person named therein, or without Proof that the Person brought before him is the same to whom the Certificate was granted.

Surgical Certificates to be given at the Factory.

XI. And be it enacted, That no Person shall grant any Surgical Certificate required by the Factory Act or by this Act, except upon personal Inspection of the Person named therein; and no certifying Surgeon shall examine any Person for the Purposes of this Act, or sign or issue any such Surgical Certificate, elsewhere than at the Factory where such Person is to be employed, unless for special Cause to be allowed by an Inspector; and if a certifying

Surgeon shall refuse to grant a Certificate of Age for any Person presented to him for such Examination, he shall give, when required, instead of such Certificate, a Paper specifying under his Hand the Reasons for such Refusal, in the Form and Directions given in the Schedule (A.) to this Act annexed.

XII. And be it enacted, That if the Occupier of a Factory shall agree in Writing with the certifying Surgeon of a District for the Payment to be made by the Occupier of the Factory to the certifying Surgeon for the Examination of Persons for whom Surgical Certificates are required by the Factory Act or by this Act, and if the Terms of such Agreement shall be in conformity with such Regulations for the Guidance of the Surgeons as shall be made by the Inspector of the District, and shall be countersigned by the Inspector in token of such Conformity, all Penalties which may be incurred by any Party for Breach of such Agreement may be recovered as other Penalties under this Act may be recovered, and shall be applied as other Penalties under this Act are directed to be applied, and no such Agreement shall be liable to any Stamp Duty.

Agreement between Mill Occupier and certifying Surgeon.

XIII. And be it enacted, That an Inspector shall fix the Amount of Fees to be paid by the Occupier of a Factory, and the Times when such Fees shall be paid to the certifying Surgeon, and also the Times when such certifying Surgeon shall visit a Factory, provided he shall be required to fix such Fees and Visits by the Occupier of a Factory; and the Fees so to be fixed by the Inspector shall not in any Case where the Surgeon shall examine more than One Person exceed One Shilling for each Person who shall be presented to him at the Factory by the Mill Owner or his Agent to be examined, together with Sixpence for every Half Mile that the Distance of the Factory from the Residence of such Surgeon shall exceed One Mile; and such Fees, including Mileage, shall not be less than One Shilling and shall in no Case exceed Five Shillings for any One Visit, except when upon such Visit the certifying Surgeon shall examine for the said Certificates of Age more than Ten Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and in any Case where a Factory is situated within the Distance of One Mile from the Residence of a certifying Surgeon the Fee for such Visit, except when at any One Visit he shall examine for the said Certificates of Age more than Five Persons who may be brought before him as aforesaid, in which Case he shall receive Sixpence for each Person that he may so examine, instead of all other Fees; and no certifying Surgeon shall receive more than Sixpence for any Certificate which he may be allowed by an Inspector, as herein-before provided, to sign or issue otherwise than at the Factory where the Person is to be employed; and the Occupier of any Factory shall pay such Fees to the certifying Surgeon at the Time of signing such Certificates, or at any other Time when he may be directed by the Inspector to do so; and the Occupier of such Factory may deduct the Fee or any Part thereof, not exceeding in any One Case the Sum of Three-pence, from the Wages of the Person for whom the Certificate may have been granted;

Inspector may fix Surgeon's Fees.

granted; but in any Case where such Agreement as aforesaid has been executed between an Occupier of a Factory and the certifying Surgeon the Amount named in such Agreement shall be instead of the Fees fixed by any Inspector in virtue of this Act: Provided always, that no certifying Surgeon shall be required to visit any Factory situated within Three Miles of his Residence oftener than once in each Week, or to visit any Factory situated at a greater Distance than Three Miles oftener than once in every Fortnight, unless with the Consent of the Occupier of the Factory.

New Surgical Certificate not required for Persons at present employed.

Inspectors and Sub-Inspectors may annul Certificates.

Certificates of real Age may be obtained.

XIV. And be it enacted, That no Person who shall be employed in a Factory at the Time when this Act shall come into force under a Surgical Certificate granted under the Factory Act shall be required to have a new Surgical Certificate, in the Form and Manner provided by this Act, so long as he shall continue in the same Factory; but every Inspector and Sub-Inspector may annul any Surgical Certificate granted under this Act, and any Surgical Certificate granted before the passing of this Act, by writing across the Surgical Certificate the Word "Annulled," with his Name, and the Date of annulling such Certificate; provided that in either Case he shall have Reason to believe the real Age of the Person mentioned therein to be less than that mentioned in the Certificate, or provided the certifying Surgeon of the District shall, upon Reference made to him, deem such Person to be then of deficient Health or Strength, or by Disease or bodily Infirmary incapacitated for Labour, or liable to be injured by continued Employment; and no Certificate so annulled shall be valid in respect of the Person named therein for the Purposes of this Act from the Day when the Certificate shall have been so annulled; and the Production of the Certificate shall be Evidence that the Certificate was annulled on the Day so stated.

XV. And be it enacted, That in case any Person shall be desirous of proving the real Age of any Person for whom a certifying Surgeon shall have refused to grant a Certificate of Age for the Purposes of this Act, or whose Surgical Certificate any Inspector or Sub-Inspector shall have annulled, the Inspector or Sub-Inspector shall, on Demand, give to such Person a Requisition under his Hand, in a Form to be approved of by the Inspectors and by the Registrar General, for the Production of a duly certified Copy of the Entry of the Birth or Baptism of such Person; provided the Party demanding the same shall declare the Names of such Person and of his Parents, with the Place where and the Year in which he was born or baptized, which Particulars shall be set forth in the Requisition; and every Party to whom such Requisition shall have been given shall be entitled, upon Payment of One Shilling, to receive, on personal Application, or on Application in Writing, in such Form and under such Regulations as shall be approved of by the Inspectors and Registrar General, from any Minister, Registrar, or other Person having the Care of any Register of Births or Baptisms in which the Birth or Baptism of such Person is entered, a duly certified Copy of the Entry in such Register, which shall be indorsed on the aforesaid Requisition, and shall be signed by the Minister, Registrar, or other Person having Charge of such Register; and such Payment of One Shilling shall be instead of all other Fees or Payments to which

which such Minister, Registrar, or other Person shall be entitled; and if the said certified Copy proving the Age of the Person named therein to be such as to entitle him to have the Surgical Certificate required shall be produced to the certifying Surgeon of the District, he shall examine the same, and if it shall appear to him that the said certified Copy has not been altered or falsified in any Manner, the certifying Surgeon shall thereupon, without further Fee or Reward, give a Surgical Certificate in the Form provided for that Case in Schedule (A.) to this Act annexed, and shall write the Word "Examined" upon the certified Copy of the Entry of the Birth or Baptism which he shall have received, with his Signature, and the Date of such Signature, and shall send such certified Copy by the Post to the Sub-Inspector of the District, who shall send a Receipt for the same by Post to the said Surgeon, and shall keep such certified Copy of the Entry of the Birth or Baptism, for future Reference, if necessary; and if any Inspector of Factories shall require a certified Copy of the Entry of the Birth of any Person employed in any Factory from the Office of the Registrar General, he, or any Person deputed by him, shall, on producing a Requisition in the Form herein-before provided, be entitled to examine the Indexes to the Registers in the General Register Office, and to receive such certified Copy endorsed on the Requisition without the Payment of any Fee; but no certified Copy of the Entry of any Birth or Baptism issued in consequence of any such Requisition herein-before provided shall be admissible in Evidence in any Court or for any Purpose, save for the Purposes of this Act: Provided always, that in those Cases in which a Surgical Certificate shall have been refused or annulled in consequence of deficient Health or Strength, or by reason of Disease or bodily Infirmary, the Inspector or Sub-Inspector shall not sign the Requisition herein-before mentioned, and such Person shall not be employed on Proof of real Age only.

XVI. And be it enacted, That before employing any Person requiring a Surgical Certificate under the Factory Act as amended by this Act the Occupier of the Factory shall obtain the Surgical Certificate, save as herein-after excepted, and shall keep, and be bound to produce every such Certificate, when required, to the Inspector or Sub-Inspector; and no Surgical Certificate shall be valid except for Employment at the Factory for which it was originally granted, or, if granted by a certifying Surgeon, at any other Factory in the Occupation of the same Person who is Occupier of the Factory for which the Certificate was originally granted, provided such other Factory be in the District of the certifying Surgeon who granted the Certificate, and the Certificate be produced in the Factory where the Person named in the Certificate is at work; and the certifying Surgeon, as often as he shall visit a Factory for the Purpose of granting Certificates, shall enter in the Register of Workers the Date of his Visit, and the other Particulars set forth in the Form and according to the Directions given in Schedule (B.) to this Act annexed.

XVII. Provided always, and be it enacted, That no Occupier of any Factory shall be liable to any Penalty for employing any Person in any Manner not contrary to the other Provisions of the Factory Act as amended by this Act, without a Surgical Certificate,

Certificate to be obtained before the Person is employed, and to serve only for One Factory.

Surgical Certificates may be dispensed with for Seven or Thirteen Days.

for any Time not exceeding Seven working Days, or, when the certifying Surgeon shall reside more than Three Miles from the Factory, for any Time not exceeding Thirteen working Days, provided all Surgical Certificates for that Factory be granted only by the certifying Surgeon appointed for that Factory; but this Enactment shall not be construed to dispense with the Certificate of School Attendance, or to authorize the Employment of any Person in respect of whom the certifying Surgeon shall have refused to grant such Surgical Certificate.

Lime-washing
and other wash-
ing of the
Interior of
Factories.

XVIII. And be it enacted, That after the passing of this Act it shall not be necessary to limewash the Walls of any Mill, Factory, or Building, or to whitewash the Ceilings of any Rooms therein otherwise than is herein-after provided; and that all the inside Walls, Ceilings, or Tops of Rooms, whether plastered or not, and all the Passages and Staircases of every Factory, which shall not have been painted with Oil once at least within Seven Years, shall be limewashed once at least within every successive Period of Fourteen Months, to date from the Period when last whitewashed; and all the inside Walls and Ceilings or Tops of Rooms in which Children or young Persons are employed, and which are painted with Oil, shall be washed with hot Water and Soap once at least within every successive Period of Fourteen Months, as aforesaid.

Protection of
Workers in
wet spinning
Flax Mills.

XIX. And be it enacted, That after the Expiration of Six Months from the Date of this Act coming into operation no Child or young Person shall be employed in any Part of a Factory in which the wet-spinning of Flax, Hemp, Jute, or Tow is carried on, unless sufficient Means shall be employed and continued for protecting the Workers from being wetted, and, where hot Water is used, for preventing the Escape of Steam into the Room occupied by the Workers.

Mill-gearing
not to be cleaned
while in Motion.

XX. And be it enacted, That no Child or young Person shall be allowed to clean any Part of the Mill-gearing in a Factory while the same is in motion for the Purpose of propelling any Part of the manufacturing Machinery; and no Child or young Person shall be allowed to work between the fixed and traversing Part of any self-acting Machine while the latter is in motion by the Action of the Steam Engine, Water-wheel, or other mechanical Power.

Machinery to
be guarded.

XXI. And be it enacted, That every Fly-wheel directly connected with the Steam Engine or Water-wheel or other mechanical Power, whether in the Engine House or not, and every Part of a Steam Engine and Water-wheel, and every Hoist or Teagle, near to which Children or young Persons are liable to pass or be employed, and all Parts of the Mill-gearing in a Factory, shall be securely fenced; and every Wheel-race not otherwise secured shall be fenced close to the Edge of the Wheel-race; and the said Protection to each Part shall not be removed while the Parts required to be fenced are in motion by the Action of the Steam Engine, Water-wheel, or other mechanical Power for any manufacturing Process.

Notice to be
given of Acci-
dents causing
bodily Injury.

XXII. And be it enacted, That if any Accident shall occur in a Factory which shall cause any bodily Injury to any Person employed therein which shall have been of such a Nature as to prevent

prevent the Person so injured from returning to his Work in the Factory before Nine of the Clock of the following Morning, the Occupier of the Factory, or in his Absence his principal Agent, shall within Twenty-four Hours of such Absence send a Notice thereof in Writing to the Surgeon appointed to grant Certificates of Age for the District in which the Factory is situated, in which Notice the Place of Residence of the Person injured, or the Place to which he may have been removed, shall be stated; and the Surgeon shall send a Copy of such Notice to the Sub-Inspector of the District by the first Post after the Receipt thereof.

XXIII. And be it enacted, That if a certifying Surgeon shall receive Notice as aforesaid that an Accident has occurred which has caused bodily Injury to any Person employed in a Factory for which he has been appointed to grant Certificates of Age, and that it has been of such a Nature as to have prevented the Person so injured from returning to his Work in the Factory the following Morning, he shall with the least possible Delay proceed to the said Factory, and make a full Investigation as to the Nature and Cause of such bodily Injury, and shall within the next Twenty-four Hours send to the Inspector of the District a Report thereof, a Copy of which Report, together with any other Information which he may receive respecting the said Accident, the Inspector of the District shall send to the Office of the Factory Inspectors as soon as conveniently may be; and the certifying Surgeon, for the Purpose of such Investigations only, shall have the same Power, Authority, and Protection as an Inspector, and shall also have Power to enter any Room in any Building to which the injured Person may have been removed; and for such Investigation the said Surgeon shall receive a Fee not exceeding Ten Shillings, or such Part thereof, not being less than Three Shillings, as the Inspector of the District may consider a reasonable Remuneration to the Surgeon for his Trouble, which Fee shall be paid as other Expences incurred under this Act.

Certifying Surgeon to examine into the Causes and Extent of Accidents, and report thereon.

XXIV. And be it enacted, That One of Her Majesty's Principal Secretaries of State, on the Report and Recommendation of an Inspector, may empower such Inspector to direct One or more Actions to be brought in the Name and on behalf of any Person who shall be reported by such Inspector to have received any bodily Injury from the Machinery of any Factory, for the Recovery of Damages for and on behalf of such Person.

Prosecution for Compensation by an Inspector.

XXV. And be it enacted, That any Damages which shall be recovered in any Action so directed to be brought shall be paid, as soon after they are received as conveniently may be, to the Person in whose Behalf they have been recovered, or shall be otherwise settled for the Use and Benefit of the said Person in such Manner as shall be approved of by the Secretary of State; and in case a Verdict shall be found for the Defendant, or Judgment shall be recovered against the Plaintiff, or the Plaintiff shall be nonsuited, the Defendant shall have the like Remedies for his Costs against the Inspector as he might have had against the Plaintiff; and all Charges and Expences incurred in bringing any such Action, beyond what are recovered from the Defendant, and not otherwise provided for, shall be paid as other Expences incurred under this Act are to be paid.

Application of Compensation when recovered.

XXVI. And

For ensuring Regularity in the Observance of Time.

XXVI. And be it enacted, That the Hours of the Work of Children and young Persons in every Factory shall be reckoned from the Time when any Child or young Person shall first begin to work in the Morning in such Factory, and shall be regulated by a public Clock, or by some other Clock open to the public View, to be approved of in either Case in Writing under the Hand of the Inspector or Sub-Inspector of the District.

Registers to be kept in every Factory.

XXVII. And be it enacted, That Registers shall be kept in the Factory to which they relate, by the Occupier of every Factory, according to the Forms and Directions given in Schedule (B.) to this Act annexed; and every Inspector shall have Power to require such Occupier to send to him, in such Manner as may be directed in the Requisition, any Extracts from such Registers, and any other Information with relation to the Persons employed in the Factory, which may be requisite to facilitate the Performance of the Duties of such Inspector in any Inquiry made under the Authority of the Factory Act or of this Act; but no Information so sent by the Occupier of any Factory which is not contained in the Registers, Certificates, and other Documents required by this Act to be received or kept shall be admissible in Evidence in any Proceeding against him for the Recovery of any Penalty; and the Registers, Certificates, and other Documents required by this Act to be received or kept shall be forthwith produced to the Inspector or Sub-Inspector, on his demanding to examine the same at any Time when the Factory is at work.

An Abstract of this Act, and certain Notices, to be hung up in every Factory.

XXVIII. And be it enacted, That it shall not be necessary to hang up in any Mill or Factory any Copy of any Abstract of the Factory Act, or of any Regulations made in pursuance of the said Act, other than is herein-after provided; and that such Abstract of the Factory Act as amended by this Act as shall be directed by One of Her Majesty's Principal Secretaries of State shall be fixed on a moveable Board, and be hung up as soon as received by the Occupier of the Factory or his Agent in the Entrance of the Factory, and in such other Places as the Inspector or Sub-Inspector of the District may direct; and Notices of the Names and Addresses of the Inspector and Sub-Inspector of the District in which the Factory is situated, of the Name and Address of the Surgeon who grants Certificates of Age for the Factory, of the Clock by which the Hours of Work in the Factory are regulated, of the Times of beginning and ending daily Work of all Persons employed in the Factory, and any Alteration thereof, of the Times of the Day and Amount of Time allowed for their several Meals, of all Time lost which is intended to be recovered, and of all Time which shall be recovered, together with every other Notice required by this Act, written or printed in legible Characters, and fixed on moveable Boards, (each particular Notice being signed by the Occupier of every Factory or his Agent,) shall be hung up in the Entrance of the Factory, where they may be easily read by the Persons employed in the Factory, and in such other Places as the Inspector or Sub-Inspector of the District may direct, and whence they shall not be removed while the Factory is at work; and in case any such Abstract of the Factory Act as amended by this Act, or Notice, shall become illegible in any Part, the Occupier of the Factory shall cause a new Copy thereof

thereof to be provided and hung up as aforesaid; but the Notice of lost Time need not remain after the whole of the lost Time intended to be recovered shall have been recovered; and every Notice required to be hung up shall be in the Forms and according to the Directions given in the Schedule (C.) hereunto annexed.

XXIX. And be it enacted, That every Child who shall have completed his Eighth Year, and shall have obtained the Surgical Certificate required by this Act of having completed his Eighth Year, may be employed in a Factory in the same Manner and under the same Regulations as Children who have completed their Ninth Year; but no Child under Eight Years of Age shall be employed in any Factory.

Children may be employed in Factories at Eight Years of Age.

XXX. And be it enacted, That no Child shall be employed in any Factory more than Six Hours and Thirty Minutes in any One Day, save as herein-after excepted, unless the Dinner Time of the young Persons in such Factory shall begin at One of the Clock, in which Case Children beginning to work in the Morning may work for Seven Hours in One Day; and no Child who shall have been employed in a Factory before Noon of any Day shall be employed in the same or any other Factory, either for the Purpose of recovering lost Time or otherwise, after One of the Clock in the Afternoon of the same Day, save in the Cases when Children may work on alternate Days, or in Silk Factories more than Seven Hours in any One Day, as herein-after provided.

Time of Children's Work.

XXXI. And be it enacted, That in any Factory in which the Labour of young Persons is restricted to Ten Hours in any One Day it shall be lawful to employ any Child Ten Hours in any One Day on Three alternate Days of every Week, provided that such Child shall not be employed in any Manner in the same or in any other Factory on Two successive Days, nor after Half past Four of the Clock in the Afternoon of any *Saturday*: Provided always, that the Parent or Person having direct Benefit from the Wages of any Child so employed shall cause such Child to attend some School for at least Five Hours between the Hours of Eight of the Clock in the Morning and Six of the Clock in the Afternoon of the same Day on each Week Day preceding each Day of Employment in the Factory, unless such preceding Day shall be a *Saturday*, when no School Attendance of such Child shall be required: Provided also, that on *Monday* in every Week after that in which such Child began to work in the Factory, or any other Day appointed for that Purpose by the Inspector of the District, the Occupier of the Factory shall obtain a Certificate from a Schoolmaster, according to the Form and Directions given in the Schedule (A.) to this Act annexed, that such Child has attended School as required by this Act; but it shall not be lawful to employ any Child in a Factory more than Seven Hours in any One Day, until the Owner of the Factory shall have sent a Notice in Writing to the Inspector of the District of his Intention to restrict the Hours of Labour of young Persons in the Factory to Ten Hours a Day, and to employ Children Ten Hours a Day; and if such Occupier of a Factory shall at any Time cease so to employ Children Ten Hours a Day he shall not again employ any Child in his Factory more than Seven Hours in any One Day until he shall

How Children may be employed on Three alternate Days of the Week.

shall have sent a further Notice to the Inspector in the Manner herein-before provided.

Women to be employed as young Persons.

XXXII. And be it enacted, That no Female above the Age of Eighteen Years shall be employed in any Factory save for the same Time and in the same Manner as young Persons may be employed in Factories; and that any Person who shall be convicted of employing a Female above the Age of Eighteen Years for any longer Time or in any other Manner shall for every such Offence be adjudged to pay the same Penalty as is provided in the like Case for employing a young Person contrary to Law: Provided always, that nothing herein or in the Factory Act contained as to Certificates of Age shall be taken to apply to Females above the Age of Eighteen Years.

Provision for recovering lost Time by Stoppage of the Machinery.

XXXIII. And be it enacted, That no Time lost by Accident or otherwise in any Factory shall be made good or worked up by Extension of ordinary Hours of Labour, save as is herein-after provided; and that in any Factory in which any Part of the Machinery is moved by the Power of Water the Time which shall have been lost by Stoppages from Want of Water, or from too much Water, may be recovered in manner following, within Six Months next after the Stoppage, between the Hours specified in the Factory Act as those within which Time lost by Drought or Excess of Water may be recovered; and in order to recover Time so lost any Child or young Person may be employed One Hour in each Day more than the Time to which the ordinary daily Labour of Children and young Persons respectively is restricted by Law, except on *Saturday*; but it shall not be lawful so to recover any lost Time until a Notice shall have been sent by Post to the Sub-Inspector of the District in which the Factory is situated, stating the Intention so to recover Time that has been lost, nor unless a Notice according to the Form and Directions given in the Schedule (C.) to this Act annexed shall have been previously fixed up in the Entrance of the Factory, and in such other Places as an Inspector or Sub-Inspector may direct; and such Notice shall be kept so fixed up during the whole Time while the lost Time is in course of being recovered; and such Notice shall be kept in a Book as directed in the said Schedule (C.); nor shall lost Time be so recovered on Two successive Days, unless the Amount of Time recovered on any One Day shall be inserted before Nine of the Clock in the Morning of the following Day in the last-mentioned Notice.

Provision for recovering Time lost by partial Stoppage.

XXXIV. And be it enacted, That in any Factory in which any Part of the Machinery is moved by the Power of Water, when the Stream is so diminished by Drought or swollen by Flood during any Part of the Day that any Part of the manufacturing Machinery driven by the Water-wheel has been stopped by reason of such Drought or Flood, the young Persons who would have been employed at such Machinery may recover such lost Time during the Night next following the said Day, unless the said Day be *Saturday*: Provided always, that no such young Person shall be employed during any Twenty-four consecutive Hours for a greater Number of Hours than that to which the ordinary daily Labour of such young Persons in Factories is otherwise restricted by Law; and that

that no young Person so employed in the Night shall work more than Five Hours, without an entire Cessation from Work of at least Thirty Minutes; but it shall not be lawful to recover any such lost Time unless a Notice according to the Form and Directions given in the Schedule (C.) to this Act annexed shall have been previously fixed up in the Entrance of the Factory, and in such other Places as an Inspector or Sub-Inspector may direct, and unless such Notice be kept so fixed up during the whole Time while the lost Time is in course of being recovered; and such Notice shall be kept in a Book as directed in the said Schedule (C.)

XXXV. And be it enacted, That no Child or young Person shall be employed in a Factory, either to recover lost Time or for any other Purpose, on any *Saturday* after Half past Four of the Clock in the Afternoon.

Work to cease on *Saturday* at Half past Four.

XXXVI. And be it enacted, That the Times allowed for Meal Times as provided by the Factory Act shall be taken between the Hours of Half past Seven in the Morning and Half past Seven in the Evening of every Day, and One Hour thereof at the least shall be given, either the whole at one Time or at different Times, before Three of the Clock in the Afternoon; and no Child or young Person shall be employed more than Five Hours before One of the Clock in the Afternoon of any Day without an Interval for Meal Time of at least Thirty Minutes; and during any Meal Time which shall form any Part of the Hour and a Half allowed for Meals no Child or young Person shall be employed or allowed to remain in any Room in which any manufacturing Process is then carried on; and all the young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day, unless some Alteration for special Cause shall be allowed in Writing by an Inspector.

Additional Regulations as to Meal Times.

XXXVII. And be it enacted, That each of the Half Holidays required by the Factory Act to be given shall comprise not less than One Half of the Day, and during such Time no young Person shall be employed in the Factory; and that at least Four of such Half Holidays shall be given between the Fifteenth Day of *March* and the First Day of *October* in each Year to every young Person who shall be employed in the Factory during the whole of such Period; but no Cessation from Work shall be deemed a Half Holiday, unless Notice of such Half Holiday, and of the Time of such Cessation from Work, shall have been fixed up on the preceding Day in the Entrance of the Factory, and in any other Place that the Inspector or Sub-Inspector may direct; and that in addition to such Eight Half Days no Child or young Person shall be allowed to work in any Factory on *Christmas Day* or *Good Friday*, in *England* or *Ireland*; and in *Scotland* no Child or young Person shall be allowed to work on any Day the whole of which is set apart by the Church of *Scotland* for the Observance of the Sacramental Fast in the Parish in which the Factory is situated.

Additional Regulations as to Holidays.

XXXVIII. And be it enacted, That, save as herein otherwise provided, the Parent or Person having any direct Benefit from the Wages of any Child employed in a Factory shall cause such Child to attend some School on the Day after the first Employment of such Child, and thenceforth on each working Day of every Week during any Part of which the said Child shall continue in such Employment;

Additional Regulations for the Attendance of Children at School.

Employment; so that on every such Day, except in the Cases herein-after provided, such Child shall attend School during at least Three Hours after the Hour of Eight of the Clock in the Morning and before the Hour of Six of the Clock in the Evening: Provided always, that any Child attending School after One of the Clock in the Afternoon shall not be required to remain in School more than Two Hours and a Half on any One Day between the First Day of *November* and the last Day of *February*, and no Child shall be required to attend School on any *Saturday*, and the Non-attendance of every such Child shall be excused on every Day on which such Child shall be certified by the Schoolmaster to have been prevented by Sickness or other unavoidable Cause from attending the School, and during any Holiday or Half Holiday authorized by this Act, or by Consent in Writing of the Inspector of the District in which the Factory is situated, or, where the School-room is situated within the outer Boundary of the Factory at which such Child is employed, on every Day on which the School shall be closed in consequence of the said Factory ceasing to be at work during the whole Day.

Occupier of
Factory to ob-
tain School
Certificate,
and to pay
School Fees.

XXXIX. And be it enacted, That no Schoolmaster's Tickets or Vouchers shall be required or valid other than is herein-after provided, and that the Occupier of every Factory in which a Child is employed shall on *Monday* in every Week after the First Week in which such Child began to work in the Factory, or on any other Day appointed for that Purpose by an Inspector, obtain a Certificate from a Schoolmaster, according to the Form and Directions given in the Schedule (A.) to this Act annexed, that such Child has attended School as required by this Act during the foregone Week; and such Occupier shall keep such Certificate for Six Months after the Date thereof, and shall produce the same to any Inspector or Sub-Inspector when required during such Period, and shall, when required by the Inspector for the District, pay to the Schoolmaster of such Child, or to such other Person as the said Inspector may direct, towards the Expences of educating such Child, such Sum as the Inspector may require, not exceeding Two-pence *per* Week, and shall be entitled to deduct from the Wages payable to such Child any such Sum as he shall have been required to pay for such Expences, not exceeding the Rate of One Twelfth Part of the weekly Wages of such Child: Provided always, that if an Inspector, on his personal Examination, or on the Report of a Sub-Inspector, shall be of opinion that any Schoolmaster who grants Certificates of the School Attendance of Children employed in a Factory is unfit to instruct Children, by reason of his Incapacity to teach them to read and write, from his gross Ignorance, or from his not having the Books and Materials necessary to teach them Reading and Writing, or because of his immoral Conduct, or of his continued Neglect to fill up and sign the Certificates of School Attendance required by this Act, the Inspector of the District may annul any Certificate granted by such disqualified Schoolmaster, by a Notice in Writing addressed to the Occupier of the Factory in which the Children named in the Certificate are employed, or his principal Agent, setting forth the Grounds on which he deems such Schoolmaster to be unfit; and after the Date of such Notice no Certificate of School Attendance granted by such School-

master

Inspector may,
by Notice,
annul the Cer-
tificate of any
Schoolmaster
found unfit.

master shall be valid for the Purposes of this Act, unless with the Consent in Writing of the Inspector of the District; but no Inspector shall annul any such Certificate unless in the aforesaid Notice he shall name some other School situated within Two Miles of the Factory where the Children named in the Certificate are employed: Provided also, that any Schoolmaster whose Certificate shall have been annulled, or the Occupier of the Factory in which the Children named in the said Certificate are employed on behalf of the Schoolmaster, may appeal to the Secretary of State against such Decisions of the Inspector, and the Secretary of State may, if he think fit, rescind such Decision: Provided also, that every Inspector shall in his annual Report to the Secretary of State for the Home Department state the Instances (if any) in which he shall have had Occasion to annul any such Certificate, together with the Reasons which he has in each Case assigned for so doing.

Appeal.

XL. And be it enacted, That so much of the Factory Act as limits the Time for preferring Complaints for Offences against the said Act, and as requires any written Notice to be given of the Intention to prefer any Complaint for such Offence, and as fixes any Penalty or Punishment for Offences against the said Act, and as relates to the Procedure for convicting any Person of any Offence against the said Act, and for levying or inflicting the Penalty or Punishment imposed, and for appealing against any such Conviction, and as specifies the Circumstances under which any Penalties and Punishments shall not be levied or inflicted, and as relates to the Application of Penalties, shall be repealed.

Repeal of
Part of
3 & 4 W. 4. c. 103.

XLI. And be it enacted, That the Occupier of any Factory in which any Offence against this Act has been proved to have been committed, and for which a pecuniary Penalty may be imposed, shall in every Case (save as herein-after provided) be deemed in the first instance to have committed the Offence, and shall be liable to pay the Penalty; but any Occupier who shall have been proceeded against by any Inspector or Sub-Inspector shall be entitled, upon Complaint or Information duly made by such Occupier, to have any Agent, Servant, or Workman whom he shall charge as the actual Offender brought by Summons before the Justices at the Time appointed for hearing the Complaint made against him by the Inspector or Sub-Inspector; and if after the Commission of the Offence has been proved the Occupier of the Factory shall prove, to the Satisfaction of the Justices, that he had used due Diligence to enforce the Execution of the Act, and that the said Agent, Servant, or Workman had committed the Offence in question, without his Knowledge, Consent, or Connivance, the said Agent, Servant, or Workman shall be convicted of such Offence, and shall pay the Penalty instead of the Occupier of the Factory; and the Payment of such Penalty and Costs shall be enforced against the Agent, Servant, or Workman in like Manner as Penalties are made recoverable by this Act: Provided always, that when it shall be made to appear to the Satisfaction of the Inspector or Sub-Inspector, at the Time of discovering the Offence, that the Occupier of the Factory had used all due Diligence to enforce the Execution of this Act, and also by what Person such Offence had been committed, and also that it had been committed without the personal

Occupier of the
Factory to be
liable for Of-
fences against
this Act in the
first instance.

Consent,

Consent, Connivance, or Knowledge of the Occupier, and in contravention of his Orders, then the Inspector or Sub-Inspector shall proceed against the Person whom he shall believe to be the actual Offender in the first instance, without first proceeding against the Occupier of the Factory.

Notice of Complaints of unguarded Machinery.

XLII. And be it enacted, That Notice in Writing of an Intention to prefer a Complaint that a Child or young Person had been employed in a Factory in which sufficient Means had not been employed or continued for protecting the Workers from being wetted, or for preventing the Escape of Steam into the Room occupied by the Workers, or that any Part of the aforesaid Machinery, Hoist or Teagle, or Wheel-race, has not been securely fenced, shall be given Four Days at least previous to the Day fixed for hearing the Complaint; and if the Party complained against intend to bring forward any Millwright or other Person skilled in the Construction of the aforesaid Machinery as a Witness at the hearing of the Case, he shall give Notice in Writing of such Intention to the Inspector or Sub-Inspector who shall be the Complainant Forty-eight Hours previous to the Day fixed for hearing the Case.

Inspector or Sub-Inspector to give Notice of dangerous Machinery.

XLIII. And be it enacted, That if an Inspector or Sub-Inspector shall observe in a Factory any Part of the Machinery of any Kind or Description, or any Driving Strap or Band, not securely fenced, which he shall deem likely to cause bodily Injury to any Person employed in such Factory, he shall give Notice in Writing to the Occupier of such Factory or his Agent of such Part of the Machinery, or such Strap or Band, as he shall deem to be dangerous, according to the Form and Directions given in Schedule (D.) to this Act annexed; and the Occupier of the Factory, or his Agent, shall sign a Duplicate Copy of such Notice in acknowledgment of his having received it: Provided always, that upon an Application in Writing made by the Occupier of the Factory, within Fourteen Days after he shall have received such Notice, Two Arbitrators skilled in the Construction of the Kind of Machinery to which such Notice refers shall be appointed, one of whom shall be named by the Occupier of the Factory in the aforesaid Application, and the other by the Inspector of the District, with the least possible Delay after he shall have received such Application; and the said Arbitrators shall proceed to examine the Machinery alleged to be dangerous within Fourteen Days of the Appointment of the Arbitrator named by the Inspector; and if the Arbitrators so appointed shall not agree in opinion the said Arbitrators shall choose a Third Arbitrator possessing a similar Knowledge of Machinery; and if the said Arbitrators, or any Two of them, shall sign an Opinion in Writing addressed to the Inspector of the District, that it is unnecessary or impossible to fence the Machinery, or Strap or Band, alleged in the Notice to be dangerous, the Inspector of the District on Receipt of the same shall cancel the said Notice; and if the Decision of the Arbitrators shall be that it is unnecessary or impossible to fence the Machinery so alleged to be dangerous the Expence of such Reference shall be paid as other Expences under this Act, but if the Decision of the Arbitrators shall be that it is necessary and possible to fence the said Machinery, then the Expences of the Reference shall be paid by the

Upon Application by the Occupier Arbitrators may be appointed to examine the Machinery.

the Occupier of the Factory; and shall be recoverable as the Penalties under this Act are recoverable.

XLIV. And be it enacted, That all Complaints for Offences against this Act shall be preferred within Two Months next after the Commission of the Offence, except in the Case of Complaints for Offences punishable at Discretion by Fine or Imprisonment, or for working on *Christmas Day, Good Friday, or the Sacramental Fast Days*, or for not giving all or any of the Eight Half Days for Holidays required to be given, in each of which Cases the Complaints may be preferred within Three Months next after the Commission of the Offence; and no Person shall be liable to a larger Amount of Penalties for any Repetition from Day to Day of the same Kind of Offence than the highest Penalty herein-after named for such Offence, unless such Repetition of Offence shall have been committed after a Complaint shall have been made for the previous Offence, and except also for Offences of employing Two or more Children or young Persons contrary to Law.

XLV. And be it enacted, That all Complaints for the Enforcement of any Penalty under this Act shall be heard and determined by Two or more Justices of the Peace acting for the County or other Jurisdiction wherein the Offence was committed, or for any adjoining County or Jurisdiction, with the like Authority as though the Cause of Complaint had arisen within such adjoining County or Jurisdiction, provided that the Place of hearing the Complaint in such other County or Jurisdiction be not more than Five Miles from the Place where the Offence was committed; and the Justices by whom any Person shall be fined for any Offence against this Act may order that such Person shall pay the Penalty, and also the reasonable Costs and Charges of such Proceedings and Conviction, either immediately or within such Time as the said Justices shall think fit; and in default of Payment thereof any Justice may cause the same to be levied by Distress and Sale of the Goods and Chattels of the Party convicted, together with the reasonable Costs and Charges of such Conviction, Distress and Sale, by Warrant under the Hand and Seal of any such Justice; and where the Warrant of Distress is directed against the Goods and Chattels of any Person being the Occupier of a Factory it shall be lawful under such Warrant to distrain any Goods and Chattels found in the said Factory which would be liable to be distrained for Rent in arrear.

XLVI. And be it enacted, That in *England and Ireland* a Summons for an Offence against this Act shall be issued by any Justice, upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or upon Oath before him by any other Person, that to the best of the Knowledge and Belief of the Inspector, Sub-Inspector, or such other Person such an Offence has been committed, and in *Scotland* a Summons for an Offence against this Act shall be issued by any Justice upon Complaint being made to him in Writing by an Inspector or Sub-Inspector, or by the Procurator Fiscal, or by any Person having a Title and Interest to prosecute with the Concurrence of the Procurator Fiscal, that to the best of the Knowledge and Belief of such Inspector, Sub-Inspector, Procurator Fiscal, or other Person such an Offence has been committed; and in every such Prosecution in *Scotland* the

Complaints to be preferred within Two Months.

Proceedings under this Act may be had before any Justices.

Penalties may be recovered as in 5 G. 4. c. 18.

Power of distraining Goods in Factory.

Issue of Summons for Offences against Act.

Proceedings shall be summary, and it shall not be necessary to take down in Writing more than the Substance of the Evidence; and no higher or other Fees shall be allowed in *Scotland* to the Clerk of Court or Constables than are allowed to be paid to the Sheriff Clerk and Sheriff Officers in Causes and Prosecutions under the Authority of an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for the more effectual Recovery of Small Debts, and for diminishing the Expenses of Litigation in Causes of small Amount in the Sheriff Courts in Scotland.*

10 G. 4. c. 55.

Compelling Parties to appear and bring Register.

XLVII. And be it enacted, That every Person who shall be summoned to answer any Complaint shall be bound to appear at the Time and Place mentioned in the Summons, and to produce before the Justices then and there present every Register or other Account, Paper, or Notice required by Law to be kept by him or his Agent, which shall be mentioned in the Summons; and if he shall not appear accordingly then (upon Proof of due Service of the Summons) the Justices may either hear and determine the Case in his Absence, or issue their Warrant, as herein-after provided, for enforcing his Attendance, and the Attendance of any Witness who shall refuse or neglect to appear.

Inspectors, &c. competent Witnesses.

XLVIII. And be it declared and enacted, That it shall be no Objection to the Competency of any Inspector or Sub-Inspector to give Evidence as a Witness in any Prosecution under this Act that it is brought at the Instance of such Inspector or Sub-Inspector.

Justice may enforce Attendance of Witnesses.

XLIX. And be it enacted, That any Justice of the Peace, upon any Complaint under this Act, may summon any Witness to appear and give Evidence at a Time and Place appointed for hearing such Complaint, and by Warrant under his Hand and Seal may require any Person to be brought before the Justices by whom the Complaint shall be heard who shall neglect or refuse to appear at the Time and Place appointed in any Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and may commit any Person coming or brought before such Justices who shall refuse to give Evidence to the County Prison or Prison of the Place where such Offence was committed, there to remain for any Time not exceeding One Month, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any Justice shall be a sufficient Warrant to any Gaoler or Prison Keeper for the Discharge of such Person.

Inspectors and Sub-Inspectors may summon Offenders and Witnesses.

L. And be it enacted, That every Inspector and Sub-Inspector shall be empowered to summon any Person whom he shall charge with having offended against this Act, and also all Witnesses who may be needed to give Evidence concerning the Charge; and every such Summons shall be of the same Effect as if issued by a Justice of the Peace after Complaint upon Oath before him, and shall be enforced in like Manner, and the like Proceedings may be had thereupon, as if Complaint upon Oath had been made before such Justice for such Offence; and every Constable and other Peace Officer to whom any such Summons shall be directed shall be bound to take charge of and to serve such Summons, and in default thereof shall be liable to be punished as if the Summons

had

had been issued by a Justice of the Peace; and every such Summons of an Offender or Witness may be in the Form provided in each Case, and given in the Schedule (D.) hereunto annexed; and when an Inspector or Sub-Inspector shall summon an Offender he shall give to the same Constable or Peace Officer a Statement of the Offence alleged to have been committed, who shall deliver it to a Justice of the Peace usually acting for the Division in which the Case is to be heard, or to the Clerk of any such Justice, at least Twenty-four Hours before the Period named in the Summons for the Appearance of the Party charged with such Offence.

LI. And be it enacted, That it shall be sufficient, in any Information, Complaint, or other Proceeding under this Act, to set forth the Name of the ostensible Occupier or Title of the Firm by which the Occupier employing the Workpeople of the Factory may be usually known; and the Service of any Summons, Order, or Notice required by this Act, or issued under the Authority of this Act, and not expressly directed to be personal Service, may be made by leaving the same at the Dwelling House of the Person to whom the same shall be addressed, or, in the Case of summoning or giving an Order or Notice to the Occupier of a Factory or to a Schoolmaster, by giving a Copy thereof in Writing to the Agent of such Occupier, or by sending a Copy thereof by the Post directed to the Occupier of the Factory at the Factory, or to the Schoolmaster at his School.

In case of Partnership, One Name sufficient for Summons.

LII. And be it enacted, That in any Complaint of the Employment of any Person in a Factory otherwise than is allowed by this Act the Time of beginning Work in the Morning which shall be stated in any Notice fixed up in the Factory, signed by the Occupier or his Agent, shall be taken to be the Time when all Persons in the Factory, except Children beginning to work in the Afternoon, began work on any Day subsequent to the Date of such Notice, so long as the same continued fixed up in the Factory; and if any Person shall be allowed to enter or be in any Factory, except at Meal Times, or during the Stoppage of the whole Machinery of the Factory, or for the sole Purpose of bringing Tea or other Articles of Food to the Workers in a Factory, between the Hours of Four and Five of the Clock in the Afternoon, it shall be Evidence, unless the contrary shall be proved, that such Person was then employed in that Factory; but Yards, Play Grounds, and Places open to the public View, Schoolrooms, Waiting Rooms, and other Rooms belonging to the Factory, in which no Machinery is used or manufacturing Process carried on, shall not be taken to be any Part of the Factory with reference to this Enactment.

Evidence of Employment.

LIII. And be it enacted, That every Surgical Certificate given under this Act, or which has been granted conformably to the Factory Act, and which shall not have been annulled, shall be Evidence in the first instance of the Age of the Person named therein, but shall not protect any Person, knowing such Person to be of less than the Age certified, from any Penalty for employing or conniving at the Employment of such Person otherwise than is allowed by this Act; and in every Proceeding on any Information or Complaint for employing any Person contrary to this Act a Declaration in Writing by the certifying Surgeon of

Surgical Certificates to be Proof of Age.

the District that he has personally examined such Person, and believes him to be under such Age as shall be set forth in such Declaration, shall be Evidence, in the first instance, until the contrary shall be made to appear, that such Person is under the Age mentioned in such Declaration.

Proof of Age of Persons alleged to be Sixteen.

LIV. And be it enacted, That if any Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person who is employed in a Factory without a Surgical Certificate is less than Sixteen, the Occupier of the Factory in which such Person is employed shall be liable to the Penalties for employing Persons for whom a Surgical Certificate is required by Law without the proper Surgical Certificate, unless, upon the Proceeding for the Enforcement of such Penalties, he shall prove, by an Extract from a legal Register of Birth or Baptism, that the said Person had completed his Sixteenth Year of Age.

Proof of Age of Persons alleged to be Eighteen.

LV. And be it enacted, That if an Inspector or Sub-Inspector shall make a Complaint before a Justice of the Peace that the real Age of any Person employed in a Factory in a Manner contrary to Law is less than Eighteen, the Occupier of the Factory in which such Person is employed shall, save in the Cases hereinafter excepted, be liable to the Penalty for employing such Person, unless upon the Proceeding for the Enforcement of such Penalties he shall prove that the said Person had completed his Eighteenth Year.

Penalties for employing Children and young Persons longer than allowed by the Act.

LVI. And be it enacted, That any Person who shall be convicted of having employed any Person in any Manner contrary to the Provisions of the Factory Act as amended by this Act, or for employing a Child without having obtained a Certificate from a Schoolmaster where such Certificate is required by Law, such Person not being the Parent nor having any direct Benefit from the Wages of such Child, shall for every such Offence be adjudged to pay a Penalty of not less than Twenty Shillings and not more than Three Pounds for each Child or young Person so illegally employed: Provided always, that if it shall be proved that such Offence was committed during the Night the Penalty shall not be less than Forty Shillings nor more than Five Pounds.

Penalty on Parents for Children employed contrary to this Act or neglecting to attend School.

LVII. And be it enacted, That the Parent and every Person having any direct Benefit from the Wages of any Child or young Person employed in any Manner forbidden by the Factory Act as amended by this Act, or who shall neglect to cause such Child to attend School as herein-before provided, shall be liable to a Penalty of not less than Five Shillings and not more than Twenty Shillings for each Offence, unless it shall appear to the Justices before whom the Complaint is preferred that such Offence has been committed without the Consent, Connivance, or wilful Default of such Parent or Person so benefited.

Penalty for not lime-washing or otherwise washing the Interior of the Factory.

LVIII. And be it enacted, That the Penalty for not lime-washing the Walls, Passages, Staircases, and Ceilings or Tops of Rooms of a Factory, within the Period prescribed by this Act, or for not washing, as herein-before provided, the inside Walls and Ceilings or Tops of Rooms which are painted with Oil, shall not be less than Three nor more than Ten Pounds, and not less than Two Pounds additional Penalty for every Month during which

the

the Occupier shall allow any of the said Walls, Passages, Staircases, or Ceilings or Tops of Rooms to remain without being lime-washed or washed as aforesaid, after being convicted of this Offence.

LIX. And be it enacted, That the Penalty for not fencing the several Parts of the Machinery, Hoist or Teagle, and Wheel-race, required by this Act to be fenced, shall be not less than Five Pounds and not more than Twenty Pounds.

Penalty for not fencing Machinery.

LX. And be it enacted, That if any Person shall suffer any bodily Injury in consequence of the Occupier of a Factory having neglected to fence any Part of the Machinery, or any Hoist or Teagle, or any Wheel-race, required by this Act to be securely fenced, or having neglected to fence any Part of the Machinery, or any Driving Strap or Band, in the Factory, of which he shall have received Notice in Writing from an Inspector or Sub-Inspector, as herein-before provided, that the same was deemed to be dangerous, the Occupier of such Factory shall pay a Penalty not less than Ten Pounds and not more than One hundred Pounds; and the Whole or any Part of such Penalty may be applied for the Benefit of the injured Person, or otherwise as the Secretary of State shall determine; and so much of such Penalty as shall not be applied as aforesaid shall be applied as other Penalties under this Act: Provided always, that the Occupier of the Factory shall not be liable to any such Penalty if the Notice which he shall have received from an Inspector or Sub-Inspector shall have been cancelled as herein-before provided; or that in any Proceeding against an Occupier of a Factory for not securely fencing that Part of the Machinery, Hoist, Teagle, or Wheel-race by which such bodily Injury was inflicted the Complaint shall have been heard and dismissed previous to the Time when such bodily Injury was inflicted.

Penalty for not fencing dangerous Machinery after Notice.

LXI. And be it enacted, That every Person convicted of wilfully obstructing an Inspector or Sub-Inspector in the Execution of any of the Powers intrusted to him by the Factory Act as amended by this Act shall be liable for each Offence to a Penalty not less than Three Pounds and not more than Ten Pounds.

Penalty for obstructing Inspectors or Sub-Inspectors.

LXII. And be it enacted, That every Occupier of a Factory in which an Inspector or Sub-Inspector shall be obstructed in the Night by any Attempt to prevent his making a full and complete Examination of all Parts of the Factory, and of every Person employed therein, shall be liable to a Penalty not less than Twenty Pounds and not more than Fifty Pounds.

Penalty for obstructing Inspectors, &c. in the Night.

LXIII. And be it enacted, That every Person convicted of making, giving, signing, countersigning, counterfeiting, or making use of any Certificate authorized or required by the Factory Act or by this Act, knowing the same to be untrue, or of wilfully making or wilfully conniving at the making any false or counterfeited Certificate, or any false Entry in any Register, or any other Account, Paper, or Notice required by this Act, and also every Person convicted of wilfully making and signing a false Declaration on any Proceedings under this Act, shall be liable to a Penalty not less than Five Pounds, and not more than Twenty Pounds, or to be imprisoned for any Time not more than Six

Offences which shall be punishable by Fine or Imprisonment.

Months in the House of Correction in the County, Town, or Place where the Offence was committed.

Penalty for Offences not otherwise specified.

LXIV. And be it enacted, That the Penalty for any Offence against the Factory Act as amended by this Act, for which no specific Penalty is herein-before provided, shall be any Sum not less than Two Pounds and not more than Five Pounds.

Penalty in case of Second and subsequent Convictions.

LXV. And be it enacted, That every Person who shall be convicted twice within Twelve Months for an Offence of the same Kind against the Factory Act as amended by this Act shall pay for his Second Offence any Sum not less than One Half of the highest Penalty for that Offence, and if convicted Three Times within Twelve Months for an Offence of the same Kind he shall pay not less than Two Thirds of the highest Penalty, and if convicted more than Three Times within Twenty-four Months for an Offence of the same Kind he shall pay the highest Penalty; but a Repetition of the same Kind of Offence shall not be considered as the Second or subsequent Offences referred to in this Enactment, unless such Second or subsequent Offences shall have been committed after a Complaint has been made for the previous Offences; and in any Case in which a Person shall be convicted at any One Time for Offences against the Factory Act as amended by this Act, so that the Penalties amount in the whole to more than One hundred Pounds, the Sum of One hundred Pounds, together with all the reasonable Costs and Charges of such Proceedings and Convictions, may be paid instead of the Penalties for all the Offences committed by him before the Day on which the last Summons was taken out against him.

Application of Penalties.

LXVI. And be it enacted, That all Penalties for any Offence against the Factory Act which shall not have been otherwise appropriated at the Time when this Act shall come into force, and every Penalty imposed under this Act, shall be applied under the Direction of One of Her Majesty's Principal Secretaries of State, and shall be paid, on account of the Inspector for the District in which the Penalty was imposed, to such Banker as shall be appointed by such Inspector to receive the same; and every Person to whom any such Penalty shall be paid shall pay over the Amount thereof to the Banker so appointed within Fourteen Days of receiving the same; and it shall be lawful for the Secretary of State to remit the Whole or any Part of such Penalty; and so much thereof as shall not be so remitted, and not otherwise especially appropriated by this Act, shall be applied by such Inspector, under the Direction of One of Her Majesty's Principal Secretaries of State, in such Manner as shall appear best for the Establishment or Support of Day Schools for the Education of Children employed in Factories; and so much of an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to provide for the Regulation of Corporations in England and Wales*, as provides that certain Penalties and Forfeitures, if recovered before any Justice of any Borough having a separate Court of Quarter Sessions of the Peace, shall be recovered for and adjudged to be paid to the Treasurer of such Borough, shall be repealed as to the Penalties imposed under this Act.

5 & 6 W. 4. c. 76.

LXVII. And

LXVII. And be it enacted, That whenever any Person shall be convicted of any Offence against the Factory Act as amended by this Act the Clerk of the Peace where such Conviction shall have been filed shall, upon the Request in Writing of any Inspector or Sub-Inspector, deliver or cause to be delivered to him a Copy of the Conviction, certified under his Hand to be a true Copy; and every such Copy shall be received as Evidence of such Conviction upon any future Proceeding under this Act; and for every such Copy the Clerk shall be entitled to have a Fee of One Shilling, and no more.

How former Conviction may be proved.

LXVIII. And be it enacted, That every Conviction under this Act may be in the Form given in the Schedule (D.) to this Act annexed, or in any other Form more suitable to the Case, and shall be certified in *England* and *Ireland* to the next General or Quarter Session of the Peace, and in *Scotland* to the Clerk of the Justices of the Peace, there to be filed amongst the Records of the County, Riding, Division, Stewartry, Town, or Place.

Convictions to be filed amongst the Records of the County.

LXIX. And be it enacted, That no Appeal shall be allowed against any Conviction under this Act, except for an Offence punishable at Discretion by Fine or Imprisonment, or when the Penalty awarded shall be more than Three Pounds; neither shall any Conviction, except as aforesaid, be removable by Certiorari or Bill of Advocation into any Court whatever; and no Information, Conviction, or other Proceeding on any Complaint for an Offence against this Act shall be quashed or deemed illegal for Matter of Form, or for the Want of any Averment unnecessary to be proved, or the Omission of any Word, or for the Insertion of any Word, in any Case in which such Omission or such Insertion respectively do not affect the Essence of the Offence, nor for the wrong Designation of a Name, or Time or Place, where the Person, Time, and Place intended shall have been so stated as to have been, in the Opinion of the Justices by whom the Complaint shall have been heard, clearly understood by the Person charged with such Offence; and it shall not be necessary, in any Information, Conviction, or other Proceeding under this Act, to define the Processes carried on in such Factory, or Nature of the Power by which the Machinery of such Factory is moved, or to set out that the Factory or Process or Employment referred to is not within any of the Cases excepted, provided that it be therein stated that such Factory is a Factory within this Act; and the Proof of being within any such excepted Case shall lie upon the Party claiming the Benefit of such Exception.

No Appeal from Convictions, except in certain Cases.

LXX. And be it enacted, That any Person aggrieved by any such Conviction for which an Appeal is allowed by this Act may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of the Conviction for the County or other Jurisdiction wherein the Cause of Complaint shall have arisen; provided that the Person so intending to appeal shall give to the Inspector or Sub-Inspector of the District Notice in Writing of such Appeal, and of the Cause or Matter thereof, within Three Days after the Conviction or Order, and Seven clear Days at the least before such Session, and shall also enter into a Recognizance, with Two sufficient Sureties,

Appeal.

ties; before a Justice of the Peace for the County or other Jurisdiction, Seven clear Days at the least before such Session, conditioned personally to appear at the said Session, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and the Court at such Session shall hear and determine the Matter of Appeal, and shall make such Order thereon as to the Court shall seem meet: and in case of the Dismissal of the Appeal or the Affirmance of the Conviction or Order the Court shall adjudge and order the Party to be punished according to the Conviction or to obey the Order appealed against, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Who are to exercise the Powers of Justices.

LXXI. And be it enacted, That in all Cases in which a Justice of the Peace is required or empowered to do any thing under the Factory Act as amended by this Act, or is named therein, a Burgh Magistrate shall have within his Jurisdiction the same Powers and Duties as are herein given to such Justice, and shall exercise the same in *Scotland*; but no Complaint preferred for any Offence against this Act committed in a Factory shall be heard by a Justice of the Peace or Burgh Magistrate, being an Occupier of the Factory, or being the Father, Son, or Brother of the Occupier of the Factory in which the Offence set forth in the Complaint shall have been committed.

Exemptions of Silk Factories.

LXXII. Provided always, and be it enacted, That any Child above Eleven Years of Age employed solely in the winding and throwing of raw Silk, and who shall have obtained the Surgical Certificate required by this Act of his having completed his Eleventh Year, may work, without any Proof of having attended a School, for any Time not exceeding Ten Hours on any working Day, but not after Half past Four of the Clock of the Afternoon of any *Saturday*.

Interpretation Clause.

LXXIII. And be it enacted, That the Factory Act as amended by this Act, and this Act, shall be construed together as One Act, and that so much of the Factory Act, and of any Rule or Regulation heretofore made by any Inspector, as is inconsistent with this Act, shall be taken to be repealed; and that in this Act, unless another Sense shall be plainly shown by the Context, or by some positive Enactment to the contrary, the Word "Child" shall be taken to mean a Child under the Age of Thirteen Years; and the Words "young Person" shall be taken to mean a Person of the Age of Thirteen Years and under the Age of Eighteen Years; and the Word "Parent" shall be taken to mean Parent, Guardian, or Person having the legal Custody of any such Child or young Person; and any Person who shall work in any Factory, whether for Wages or not, or as a Learner or otherwise, either in any manufacturing Process, or in any Labour incident to any manufacturing Process, or in cleaning any Part of the Factory, or in cleaning or oiling any Part of the Machinery, or in any other Kind of Work whatsoever, save in the Cases herein-after excepted, shall be deemed, notwithstanding any other Description, Limitation, or Exception of Employment in the Factory Act, to be employed therein within the Meaning of this Act; and the Words "Inspector" and "Sub-Inspector" shall be taken to mean respectively an Inspector and a Sub-Inspector of Factories; and the Word

"Child."

"Young Person."

"Parent."

Employment.

"Inspector."

“ Agent ” shall be taken to mean any Person having on behalf of the Occupier of any Factory the Care or Direction thereof or of any Part thereof, or of any Person employed therein; and the Word “ Month ” shall be taken to mean a Calendar Month; and the Words “ Mill-gearing ” shall be taken to comprehend every Shaft, whether upright, oblique, or horizontal, and every Wheel, Drum, or Pulley by which the Motion of the first moving Power is communicated to any Machine appertaining to the manufacturing Processes; and the Word “ Factory,” notwithstanding any Provision or Exemption in the Factory Act, shall be taken to mean all Buildings and Premises situated within any Part of the United Kingdom of *Great Britain and Ireland* wherein or within the Close or Curtilage of which Steam, Water, or any other mechanical Power shall be used to move or work any Machinery employed in preparing, manufacturing, or finishing, or in any Process incident to the Manufacture of Cotton, Wool, Hair, Silk, Flax, Hemp, Jute, or Tow, either separately or mixed together, or mixed with any other Material or any Fabric made thereof; and any Room situated within the outward Gate or Boundary of any Factory wherein Children or young Persons are employed in any Process incident to the Manufacture carried on in the Factory shall be taken to be a Part of the Factory, although it may not contain any Machinery; and any Part of such Factory may be taken to be a Factory within the Meaning of this Act; but this Enactment shall not extend to any Part of such Factory used solely for the Purposes of a Dwelling House, nor to any Part used solely for the Manufacture of Goods made entirely of any other Material than those herein enumerated, nor to any Factory or Part of a Factory used solely for the Manufacture of Lace, of Hats, or of Paper, or solely for bleaching, dyeing, printing, or calendering; and the Enactments of this Act respecting the Hours of Labour shall not apply to any young Person when employed solely in packing Goods in any Warehouse or Part of a Factory not used for any manufacturing Process, or for any Labour incident to any manufacturing Process; and nothing in this Act contained shall extend to any young Person, being a Mechanic, Artisan, or Labourer working only in making and repairing the Machinery or any Part of the Factory.

“ Agent.”

“ Month.”

“ Mill-gearing.”

“ Factory.”

Exception to the Term Factory.

Exemption when packing finished Goods.

Exemption in favour of Mechanics.

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

Act may be amended, &c.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

CERTIFICATES.

(To be written or printed on white Paper.)

Factories Regulation Act, Victoria, c.

No.—. CERTIFICATE of AGE for a CHILD to be employed in the Factory of situated at in

I, of duly appointed a certifying
 Surgeon, do hereby certify, That Son [or Daughter]
 of and residing in has
 been

been personally examined by me this Day of
 One thousand eight hundred and and that the said
 Child has the ordinary Strength and Appearance of a Child of at
 least Eight Years of Age, and that I believe the real Age of the
 said Child to be at least Eight Years; and that the said Child is
 not incapacitated, by Disease or bodily Infirmity, from working
 daily in the above-named Factory for the Time allowed by this
 Act.

(Signed) Certifying Surgeon.

The Form of Surgical Certificate to be given to a Child who has obtained a Certificate of real Age shall be the same as above, omitting the Words "and that the said Child has the ordinary Strength and Appearance of a Child of at least Eight Years of Age, and that I believe the real Age of the said Child to be at least Eight Years," and substituting these Words in their Place: "and that a Certificate of the Birth [*or* Baptism] of the said Child has been produced to me in the Form required by this Act, proving that the real Age of such Child is at least Eight Years."

The Form of Surgical Certificate to be given to Children employed in Silk Mills in proof that a Child is Eleven Years of Age shall be the same as the above, substituting the Word "Eleven" for the Word "Eight."

(To be written or printed on coloured Paper.)

Factories Regulation Act, Victoria, c.

No.—. CERTIFICATE of AGE for a YOUNG PERSON to be em-
 ployed in the Factory of situated at

in
 I, of duly appointed a certifying
 Surgeon, do hereby certify, That Son [*or* Daughter]
 of and residing in
 has been personally examined by me this Day of
One thousand eight hundred and
 and that the said young Person has the ordinary Strength and
 Appearance of a young Person of at least Thirteen Years of Age,
 and that I believe the real Age of the said young Person to be
 at least Thirteen Years; and that the said young Person is not
 incapacitated, by Disease or bodily Infirmity, from working daily
 in the above-named Factory for the Time allowed by this Act.

(Signed) Certifying Surgeon.

The Form of Surgical Certificate to be given to a young Person who has obtained a Certificate of real Age shall be the same as above, omitting the Words, "and that the said young Person has the ordinary Strength and Appearance of a young Person of at least Thirteen Years of Age, and that I believe the real Age of the said young Person to be at least Thirteen Years," and substituting these Words in their Place, "and that a Certificate of the Birth [*or* Baptism] of the said young Person has been produced to me in the Form required by this Act, proving that the real Age of such young Person is at least Thirteen Years."

The Form of Surgical Certificate to be given in either Case by any Practitioner who is not a certifying Surgeon must be the same

as the corresponding Form above given, omitting the Words "duly appointed a certifying Surgeon," and substituting the Words "duly authorized by the University [or College, or other public Body having Authority in that Behalf] of _____ to practise Surgery [or Medicine]," and making the following Addition, which must be signed by a Justice of the Peace or Burgh Magistrate :—

The Child [or young Person] named in the above-written Certificate has been this Day brought before me ; and the Appearance of the said Child [or young Person] agrees with the Description therein given ; and I believe the real Age of the said Child [or young Person] to be at least [here insert the Word "Eight" or "Eleven" in the Case of a Child, or "Thirteen" in the Case of a young Person,] Years ; and I declare that I have no beneficial Interest in and am not the Occupier of any Factory, and that I am not the Father, Son, or Brother of the Occupier of any Factory.

Dated this _____ Day of _____ One thousand eight hundred and _____

(Signed) C. D., Justice,
[or Burgh Magistrate.]

In every Surgical Certificate of Age the Day of the Month on which it shall be granted shall be written in Words, and not in Figures.

So soon as any Certificates authorized by this Act to be received as Proof of the Age of any Persons shall be obtained by the Occupier of a Factory or his Agent, they shall be fixed in a Book, to be called "The Age Certificate Book," in the Order of the Dates at which they shall have been respectively received ; and such Certificates shall be numbered in the Order in which they are so fixed in the Book ; but the Certificates for Children shall be kept in a separate and distinct Place in the said Book, or in a separate Book, and shall be marked with a Series of running Numbers distinct from that of the Certificates for young Persons.

So soon as any Certificate of Age authorized by this Act shall be obtained the Number herein-before required to be set against each Certificate shall be set against the Name of the Child or young Person for whom such Certificate has been granted, in the First Column of the Register of the Persons employed required by this Act to be kept in each Factory. In any Silk Factory in which it shall be lawful to employ Children above Eleven Years of Age for Ten Hours a Day no Certificate shall be required in proof that such Children have attained the Age of Thirteen Years, so long as such Persons shall not work more than Ten Hours in any One Day.

If a Surgeon shall have refused to grant a Certificate of Age to any Child or young Person, the Word "Refused" shall be written in the Column of the Register where the Numbers of the Certificates are required to be inserted.

Factories Regulation Act, Victoria, c.

CERTIFICATE REFUSED.

I, _____ of _____ duly appointed a certifying Surgeon, do hereby declare, That _____ Son [or Daughter] of _____ residing in _____ has been personally examined by me this _____ Day of _____ One thousand eight hundred and _____ and that in my Opinion the said [Child or young Person] has not the ordinary Strength and Appearance [of a Child of at least Eight Years of Age (or of a young Person of at least Thirteen Years of Age) or (or and) is incapacitated by Disease and bodily Infirmity from working daily in a Factory for the Time allowed by this Act.]

(Signed) _____ Certifying Surgeon.

N.B.—The Words within Brackets shall be in the Handwriting of the certifying Surgeon, who shall insert the Reason of his Refusal, to be either on account of deficient Age or bodily Infirmity, or both, as the Case may be.

Factories Regulation Act, Victoria, c.

SCHOOL CERTIFICATE.

I HEREBY certify, That the under-mentioned Child [or Children] employed in the Factory of _____ situated in _____ has [or have] attended the School kept by me at _____ for the Number of Hours and at the Time on each Day specified in the Columns opposite to his [her or their] Name [or Names] during the Week ending on Saturday the _____ Day of _____ One thousand eight hundred and _____, and that the Causes of Absence stated are true, to the best of my Belief.

Name of Child.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Causes of Absence.
	Time.		Time.		Time.		Time.		Time.		
	From	To	From	To	From	To	From	To	From	To	

(Signed)

Schoolmaster [or Schoolmistress].

the

Day of

18

Under

Under the Column headed "Time" the Periods of the Day that each Child attends School shall be stated, as thus, from Nine to Twelve, or from Two to Five, or any other Time, as the Case may be; and all the Children employed in the same Factory who attend School before One of the Clock in the Afternoon shall be entered together, distinct from those who attend School after One of the Clock.

The Time when each Child attends School shall be stated in the Columa for each Day, in the Handwriting of the Schoolmaster; and no Certificate shall be valid unless the Schoolmaster shall, in his own Handwriting, subscribe to it his Christian and Surname in full.

In the Case of any Child who has been absent from School, the Letter (A.) shall be inserted under the Day or Days of Absence, and the Cause of Absence shall be inserted in the Column headed "Causes of Absence," so far as the same can be ascertained; and when any Day has been a Holiday at the School the Word "Holiday" shall be entered in the Column of the Day.

All School Certificates, if given on loose Sheets, shall, as soon as received, be fixed in a Book, to be called "The School Certificate Book," in the Order of their respective Dates. Copies of the above Forms may be bound together in a Book for each Factory.

SCHEDULE (B.)

REGISTERS.

FORM FOR THE REGISTER OF YOUNG PERSONS.

List of young Persons employed in this Factory.

No. of Reference to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of being employed or re-employed.			When any Person ceases to be employed insert opposite the Name the Word "Left;" and when any Person completes his Eight- teenth Year of Age, the Word "Eight- teen."
	Sur- name.	Christian Name.	Month.	Day.	Year.	

This

This Register shall contain the Names of every young Person employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or, after having left, when re-engaged to work.

At the Beginning of this Register shall be inserted —

1. The Name of the Occupier or Firm.
2. The Name of the Factory, the Place, Township, Parish, and County where it is situated, and the Post Office to which the Occupier desires his Letters to be directed.
3. The Nature of the Work carried on.
4. The Nature of the Moving Power, the whole Amount of Horse Power of the Steam Engine or Water-wheel, and also the Amount of Horse Power employed by the Occupier or Firm.
5. The Clock by which the Employment of the Workers in the Factory is regulated.

Every Alteration in any of the above Particulars shall be inserted immediately after the Alteration shall have been made.

6. The Holidays and Half Holidays which shall have been given in conformity with this Act shall be recorded together in a distinct Place in this Register.

7. The Dates when the whole of the Factory, if done at one Time, and the several Parts if done at different Times, shall have been limewashed or painted in Oil, and, when painted in Oil, the Dates of their having been washed as required by this Act, and the Names and Residences of the Persons by whom the Factory was limewashed or painted in Oil, shall be recorded in a distinct Place in this Register within Six Days after they have been so limewashed, painted, or washed; and this Declaration of the Times of limewashing, painting, and washing shall be signed by the Mill Occupier or his principal Agent.

8. The Visits of the certifying Surgeon to the Factory shall be recorded in this Register in the Manner following.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Surgeon.
*		†	

* If the Surgeon shall be told that there is no Child or young Person in the Factory to be examined at the Time of his Visit, he shall insert in this Column the Word "None."

† If none be granted, he shall insert the Word "None."

FORM FOR THE REGISTER OF CHILDREN.

To be kept in those Factories only where Children under Thirteen Years of Age are employed.

Names of the Children employed in this Factory before Twelve o'Clock at Noon, or the Morning Set.

No. of References to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Afternoon Set, the Word "Changed;" or the Words "Young Person," when a Child completes its Thirteenth Year.
	Sur-name.	Christian Name.	Month.	Day.	Year.	

Names of the Children employed in this Factory after One o'Clock in the Afternoon, or the Afternoon Set.

No. of References to Age Certificate Book, as required in Schedule (A.)	NAMES.		Date of First Day of Employment or Re-employment.			When any Child ceases to be employed, insert opposite its Name the Word "Left;" or if transferred to the Morning Set, the Word "Changed;" or the Words "Young Person," when a Child completes its Thirteenth Year.
	Sur-name.	Christian Name.	Month.	Day.	Year.	

This Register shall contain the Names of every Child under Thirteen Years of Age employed in the Factory, to be entered successively when engaged to work, whether for the first Time, or, after having left, when re-engaged to work.

If any Child be removed from the Morning Set to the Afternoon Set, or vice versâ, the Name of such Child must be entered as a new Comer in the Register for the Set to which it is removed, and the Number of its Certificate of Age must be placed against its Name, but no new Certificate shall be required for such Child.

If the Mill Occupier desires to change the Time of working of the Two entire Sets of Children at stated Periods, (as for instance) to make a Change every Month, so that the Children who worked in the Morning one Month shall work in the Afternoon the next Month, and vice versâ for the other Children, alternately throughout the Year, it will not be necessary to enter the Names of the Children anew, but the Mill Occupier or his Agent shall only be required to make and sign the following Declaration, in addition to the other Details herein-before required :—

1. The Children entered in this Register as belonging to the Morning Set work in this Factory before Twelve o'Clock, and not after One o'Clock on and after the First Monday of the Months of—

January, March, May, July, September, and November ;

and after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—

February, April, June, August, October, and December.

2. The Children entered in this Register as belonging to the Afternoon Set work in this Factory after One o'Clock, and not before Twelve o'Clock, on and after the First Monday of the Months of—

January, March, May, July, September, and November ;

and before Twelve o'Clock, and not after One o'Clock, on and after the First Monday of the Months of—

February, April, June, August, October, and December.

Signature of

Occupier or Agent.

When a Change in the Time of working of the Two entire Sets of Children is made at other stated Periods allowed by this Act the necessary Alterations shall be made in the above Declaration, to the Satisfaction of the Inspector or Sub-Inspector of the District.

In any Silk Factory in which Children above Eleven Years of Age are employed more than Seven Hours in any One Day a Register of the Names of such Children shall be kept in the above Form distinct from the Register of the Names of the Children who are employed in Morning and Afternoon Sets.

In all Mills where more than Twenty Children or young Persons are employed an Alphabetical Index shall be kept, according to the first Letter of the Surname, of the Names of all the Children and young Persons employed in the Factory, adding to each Name the Number of the last Certificate under which the Age of the
Child

Child or young Person is employed, or if more than Sixteen Years of Age, the Letters XVI

All the Forms contained in this Schedule (B.) which shall apply to any particular Factory may be bound together in One Book, except the Alphabetical Index of Reference herein-before referred to.

SCHEDULE (C.)

NOTICES TO BE FIXED UP IN THE FACTORY.

FORM for the NOTICE to be fixed up of the Names and Addresses of the Inspector and Sub-Inspector, the certifying Surgeon, the Clock for regulating the Factory, and the Hours of Work of all young Persons and Females employed in the Factory.

Name and Address of the Inspector of the District - } _____
 Name and Address of the Sub-Inspector of the District - } _____
 Name and Address of the Surgeon who grants Certificates of Age for the Factory - } _____
 Clock by which the Hours of Work are regulated - } _____

The Hours of Work of all young Persons and Females above Eighteen Years of Age employed in this Factory.

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		Total Hours.
	From	To	From	To	From	To	From	To	

* In this Space the Days of the Week to which the Hours of Work refer shall be entered.

_____ } Signature of the Occupier of
 the Factory or his Agent.

In every Silk Factory in which Children above Eleven Years of Age are employed more than Seven Hours in any One Day a separate Notice, in the above Form, shall be fixed up of the Hours such Children are employed.

FORM for the NOTICE to be fixed up of the Times allowed for Meals.

The Times allowed for Meals in this Factory.

Days of the Week.	Breakfast.		Dinner.		Tea.	
	From	To	From	To	From	To
•						

* In this Space the Days to which the Meal Hours refer shall be entered.

_____ { Signature of the Occupier of the Factory or his Agent.

These Notices of the regular Hours of Work fixed up in a Factory are not required to be altered when young Persons are only employed at other Hours for the Recovery of lost Time as authorized by this Act, provided the Notice required to be fixed up when recovering lost Time be fixed up, and provided on such Notice it is stated at what Time of the Day it is intended to recover the Time so lost.

FORM of the NOTICE to be fixed up when the Occupier of the Factory intends to recover all or any Part of the Time which has been lost by the Stoppage of the Machinery in the Factory, as allowed by this Act.

Account of Time lost and recovered.

TIME LOST.					TIME RECOVERED.					
Date.	Cause of Loss.	Time of Day when lost.	Amount lost.		Explanatory Remarks.	Date.	Time of Day when recovered.	Amount recovered.		Explanatory Remarks.
			Hours.	Minutes.				Hours.	Minutes.	

_____ { Signature of the Occupier of the Factory or his Agent.

No lost Time is required to be entered except such as it may be intended to recover.

The Entries of all the Details in this Notice relating to any Time lost or recovered shall be made in conformity with the Provisions in the Act.

FORM of the NOTICE to be fixed up when Time has been lost by partial Stoppage of the Machinery by Drought or Floods, and is intended to be recovered during the following Night.

Notice of Time lost and recovered.

TIME LOST.				TIME RECOVERED.			
Description of the Room where the Stoppage took place, and of the Machinery stopped.	Time of the Day when the Stoppage took place.	Amount of Time lost.		Signature of the Person taking Time.	Time of the Night when the young Persons are employed.	Amount of Time recovered.	
		Hours.	Minutes.			Hours.	Minutes.

NAMES of the FEMALES and YOUNG PERSONS who have lost Time by the Stoppage of the Machinery at the Dates affixed.

Date when Time was lost.	Surname.	Christian Name.	Date when Time was lost.	Surname.	Christian Name.

The Entries of Time lost, and of the Names of the Females and young Persons who have lost Time, shall be made in these Notices before any Part of the Time can be recovered.

All Notices of Time lost and recovered, except when they are kept hung up in the Factory, as required by this Act, shall be preserved in a Book in the Order of their respective Dates, and be open for the Examination of any Inspector or Sub-Inspector; and all such Notices shall be kept for Six Calendar Months after the lost Time entered therein shall have been recovered.

SCHEDULE (D.)

FORMS OF NOTICES, SUMMONSES, AND CONVICTION.

FORM of NOTICE to be given to the Occupier of a Factory, by an Inspector or Sub-Inspector, of such Part of the Machinery, or such Driving Strap or Band, in the Factory, as appears to him to be dangerous to the Workers.

To [Name of Occupier], Occupier of a [Description of the Manu-
facture] Factory, situated in the Parish of
and County of

I hereby give you Notice, that the following Parts of the Machinery in your Factory, namely [here enumerate the Parts], appear to me to be dangerous, and likely to cause bodily Injury to the Workers employed in the Factory; and I am of opinion that they ought severally to be immediately well and securely fenced. And I hereby further give you Notice, that by the Act made in the Year of Her Majesty's Reign, intituled [here set forth the Title of this Act], it is provided, that if, after receiving this Notice, you shall neglect or fail to fence the above-enumerated Machinery, and if any Persons shall suffer any bodily Injury in consequence of such Neglect or Failure, you will be liable to a Penalty of One hundred Pounds, over and above all Damages, Costs, and Charges to which you may be found liable in any Action brought against you by or on behalf of the Person so injured.

Given under my Hand, this Day of in
the Year One thousand eight hundred and
(Signed) Inspector [or Sub-Inspector].

FORM of SUMMONS to be issued by an Inspector or Sub-Inspector against a Person who has committed an Offence.

County of }
(or Borough of) }

To the Constable of

WHEREAS it appeareth to me, I.F., One of Her Majesty's Inspectors [or Sub-Inspector] of Factories, that A.D. of in the County [or Borough, &c.] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [here set forth the Title of this Act], forasmuch as he the said A.D., on the Day of in the Year of our Lord at in the County [or Borough, &c.] of did [here set forth the Substance of the Charge]; these therefore are to require you forthwith to summon the said A.D. to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [or Borough, &c.] of who shall be present at in the County [or Borough, &c.] of on the Day of at the Hour of in the noon of the same Day, to answer to the said Charge, and to be further dealt with according to Law. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in
the Year of our Lord
(Signed) I.F., Inspector [or Sub-Inspector].

FORM

FORM of SUMMONS of a Witness to be issued by an Inspector or Sub-Inspector.

County of }
(or Borough of)

To the Constable of

WHEREAS it appeareth to me *I.F.*, One of Her Majesty's Inspectors [*or Sub-Inspector*] of Factories, that *A.D.* of in the County [*or Borough, &c.*] of hath offended against the Act made in the Year of Her Majesty's Reign, intituled [*here set forth the Title of the Act*]; forasmuch as he the said *A.D.* on the Day of in the Year of our Lord at in the County [*or Borough, &c.*] of did [*here set forth the Substance of the Charge*], and that *B.P.* of in the County [*or Borough, &c.*] is a material Witness to be examined concerning the said Charge; these therefore are to require you forthwith to summon the said *B.P.* to appear before such Two or more of Her Majesty's Justices of the Peace acting in and for the County [*or Borough, &c.*] of as shall be present at in the County [*or Borough, &c.*] of on the Day of at the Hour of in the noon of the same Day, to testify his Knowledge concerning the Premises. And be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of
in the Year of our Lord

(Signed) *I.F.*, Inspector [*or Sub-Inspector*].

FORM OF CONVICTION.

County of } BE it remembered, That on the
[Liberty or Borough, } Day of in the Year One thou-
as the Case may be. } sand eight hundred and *A.B.*
[describe the Offender] is convicted before us, *J.P.* and *K.Q.*, Two of Her Majesty's Justices of the Peace for the County [Liberty or Borough, as the Case may be,] of in pursuance of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], for that he [*describe the Offence*].

Given under our Hands and Seals, the Day and Year above written.

J.P.

L. S.

K.Q.

L. S.

C A P. XVI.

An Act to amend the Laws relating to the Customs.*

[6th June 1844.]

‘ WHEREAS several Acts were passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, for consolidating the Laws of the Customs: And whereas it has been found necessary from Time to Time by certain other Acts to make certain Alterations therein: And whereas certain further Alterations are now required: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein, except where any other Commencement is herein-after particularly directed.

Commencement of Act.

Regulation.

Ship not to be cleared until Coal Owner, &c. has delivered to Collector Two Certificates, one to be retained and the other delivered to the Master for Production at Port of Delivery.

II. And be it enacted, That no Ship shall be cleared from any Port of the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Culm or Cinders, which had not been previously brought coastwise into such Port, until the Fitter, or the Coal Owner or his Agent vending or shipping the same, shall have delivered to the Collector or Controller Two Certificates under his Hand, expressing the total Quantities of Coals, Culm, and Cinders respectively shipped or intended to be shipped by him in such Ship; and the Collector or Controller shall retain one of such Certificates, and shall deliver the other, signed by him, to the Master of the Ship; and every Fitter, Coal Owner, or Agent, who shall refuse to give such Certificates, or shall give a false Certificate, shall forfeit and pay the Sum of One hundred Pounds; and the Master of such Ship shall keep such Certificate, and produce the same to any Officer of Customs demanding such Production, and shall, before Bulk be broken, deliver such Certificate to the Collector or Controller of any Port in the United Kingdom to which such Coals, Culm, or Cinders shall be carried in such Ship.

Tobacco Stalks to be deemed Tobacco.

Smuggling.

Persons on board Foreign Mail Packets, having contraband Goods on board, liable to Detention, and to a Penalty of 100*l*.

III. ‘ And whereas Doubts have arisen whether Tobacco Stalks are to be deemed and taken to be Tobacco, within the Meaning of the aforesaid Acts; be it enacted and declared, That Tobacco Stalks shall be deemed and taken to be Tobacco, within the Meaning of the said Acts or any one of them, and shall be described as Tobacco in any Information for any Penalty or Forfeiture incurred or to be incurred under the said Acts or any one of them: Provided always, that nothing herein contained shall repeal any Part of any Act whereby the Importation of Tobacco Stalks is prohibited.

IV. And be it enacted, That every Person who shall be found or discovered to have been on board any Foreign Post Office Packet, being a national Vessel employed in conveying the Mails between any Foreign Country and the United Kingdom, such Packet being found or discovered to have been within any Port, Harbour, River, or Creek in the United Kingdom, not being driven thereinto by Stress of Weather or other unavoidable Accident, having on board or in any Manner attached thereto, or having had on board or in

* See post, Cap. 25.

any Manner attached thereto, or conveying or having conveyed in any Manner, any Spirits, not being in a Cask or Package, containing Twenty Gallons at the least, or any Tea exceeding Six Pounds Weight in the whole, or any Tobacco or Snuff, not being in a Cask or Package, containing Three hundred Pounds Weight at least, shall forfeit the Sum of One hundred Pounds; and it shall be lawful for any Officer or Officers of the Army, Navy, or Marines, being duly employed for the Prevention of Smuggling, and on full Pay, or for any Officer or Officers of Customs or Excise, or other Person acting in his or their Aid or Assistance, or duly employed for the Prevention of Smuggling, and he and they is and are hereby authorized, empowered, and required to detain every such Person, and to carry and convey such Person before any Justice or Justices of the Peace, to be dealt with according to Law: Provided always, that no such Person shall be liable to be detained for any such Offence unless there shall be reasonable Ground to believe that such Person was the Owner of such Goods, or was concerned in bringing the same into such Ports and other Places as are herein-before mentioned, or in concealing the same.

Smuggling.

V. And be it enacted, That where by any Act relating to the Customs a Penalty is imposed upon every Person committing or concerned in the Act by which such Penalty is incurred, and such Offence shall have been committed by several Persons jointly, or several Persons shall have been concerned in the same, such several Persons shall jointly and severally incur every such Penalty; and it shall be lawful to proceed against such Persons to recover such Penalties jointly by one Information, or severally by separate Informations, as the Attorney General or the Commissioners of Her Majesty's Customs respectively may deem expedient.

Several Persons concerned in the same Offence may be sued by One Information.

VI. And be it enacted, That where any Verdict shall hereafter pass against any Person in any of Her Majesty's Courts of Record for any Offence committed after the passing of this Act, for which Offence any pecuniary Penalty shall have been inflicted by any Act relating to the Customs, and such Person shall have before been duly convicted, either by Verdict in any of Her Majesty's Courts of Record or otherwise, of any such Offence, it shall and may be lawful for the Judges of the said Court in which such Person shall be so convicted to order and adjudge that such Person shall, in lieu of any Penalty, be imprisoned in any House of Correction for any Period not less than Six nor more than Twelve Calendar Months; and the Governor or Keeper of any House of Correction is hereby required to receive any Person committed under any such Order or Judgment.

Persons having been before convicted of an Offence against the Customs may, upon a Verdict passing against them, be sentenced to hard Labour.

VII. And be it enacted, That when any Writ of Capias shall hereafter issue against any Person for any such Offence as is herein-before lastly mentioned, and such Person shall before have been convicted of any such Offence, such Writ shall issue and such Person shall be held to Bail for the full Amount of the Penalty sought to be recovered against him.

Persons previously convicted held to Bail for Amount of Penalty.

Duties.

VIII. And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her Majesty Queen Victoria, intituled *An Act to amend the Laws relating to the Customs*, and by Table (A.) annexed to the said Act, certain Duties are imposed upon the Articles mentioned

Alteration of certain Duties imposed by 5 & 6 Vict. c. 47.

‘ in the Table hereunto annexed : And whereas it is expedient to ‘ make certain Alterations in respect thereof;’ be it therefore enacted, That instead of any Duties imposed by the said last-mentioned Act upon the Articles mentioned in the Table hereunto annexed the several Duties set forth in Figures in the said Table shall, in respect of such Articles as are mentioned therein, be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in like Manner as if such Duties had been imposed in and by the said last-mentioned Act, and had been set forth in the said Table thereunto annexed.

Additional
Duty of Five
per Cent. upon
Amount of
Duties on Arti-
cles in the Table.

IX. And be it enacted, That there shall be charged, raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, in addition to the Duties mentioned in the said Table hereunto annexed, upon the several Articles enumerated therein, a further Duty of Five *per Centum* upon the Amount of the several Duties in and by the said Table respectively charged upon the said Articles, and each of them, except with regard to Cordials and Liqueurs, which shall be subject, in lieu of the further Duty of Five *per Centum*, to the further Duty of Four-pence *per Gallon*.

Vinegar or
Acetous Acid
to be charged
with Duty
according to
Strength.

X. And be it enacted, That to prevent Vinegar or Acetous Acid of excessive Strength being brought into consumption upon Payment of Duty as common Vinegar or Acetous Acid, to the great Injury of Her Majesty’s Revenue, all such Liquors as aforesaid subject and liable to the Duty imposed by this Act shall and may be tried and examined by any Officer or Officers of Customs with such Acetometer as shall and may be from Time to Time directed by the Commissioners of Customs, in order to ascertain the Strength thereof; and that whenever any such Liquors shall upon any such Trial be found by any Officer or Officers of Customs to be above Proof, as denoted by such Acetometer, (Proof being such Strength of Acetous Acid that One hundred Parts of the Liquor by Weight will saturate or neutralize Fourteen and a Half Parts by Weight of crystalized Sub-carbonate of Soda,) the Number of Gallons of such Liquors of which such Trial is made shall be deemed and computed by such Officer or Officers to be such Number as could be made from or with such Liquors if diluted by Water to the Strength of Proof denoted as aforesaid, and shall be chargeable and taken account of and charged by such Officer with Duty accordingly.

Repeal of Duty
on Olive Oil
Flasks.

XI. And be it enacted, That the Duty now chargeable upon Flasks in which Olive Oil is imported be repealed.

Repeal of
Duties on Al-
paca and Llama
Wool, &c.

XII. And be it enacted, That the Duties now chargeable upon the Importation of Sheep and Lambs Wool, and upon Wool of the Alpaca and the Llama Tribe, and upon Goats Wool or Hair, and upon the Exportation of Wools and Skins, and of “Manufactures or pretended Manufactures slightly wrought up, so as that the same may be reduced to and made use of as Wool again, and upon Mattresses or Beds stuffed with combed Wool, or Wool fit for combing or carding,” be repealed.

Repeal of
5 & 6 W. 4 c. 66.
s. 2. respecting
the Entry of
Coffee the Pro-
duce of British

XIII. ‘ And whereas by an Act passed in the Session of Parlia-
ment held in the Fifth and Sixth Years of the Reign of His late
Majesty King *William* the Fourth, intituled *An Act to amend the
Laws relating to the Customs*, it is enacted that no Coffee shall
be entered as being the Produce of any *British* Possession within
‘ the

‘ the Limits of the *East India Company's Charter* unless the Master of the Ship importing the same shall have delivered to the Collector or Controller a Certificate under the Hand and Seal of the proper Officer at the Place where such Coffee was taken on board, testifying that a Declaration in Writing had been made and signed before him (the Contents of which he had examined, and believed to be true,) by the Shipper of such Coffee that the same was really and *bonâ fide* the Produce of some such *British Possession*, nor unless such Master shall also make and subscribe a Declaration before the Collector or Controller that such Certificate was received by him at the Place where such Coffee was taken on board, and that the Coffee so imported is the same as is mentioned therein: And whereas it is expedient that the same Enactment should be repealed;’ be it therefore enacted, That so much of the said Act lastly herein-before recited as is herein-before mentioned shall be and the same is hereby repealed.

Possessions in East Indies.

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

TABLE OF NEW DUTIES, 1844.

	£	s.	d.
Alganobilla Seed, the Cwt.	-	-	0 0 3
Lard Oil, for every £100 Value	-	-	20 0 0
Myrobolane Berries, the Ton	-	-	0 1 0
Vegetable Wax, the Cwt.	-	-	0 2 0
Colchicum Seed, the Cwt.	-	-	0 1 0
Kernels of Walnuts and Kernels of Peach Stones, commonly used for expressing Oil therefrom, the Ton	-	-	0 1 0
Croton Seed, commonly used for expressing Oil therefrom, the Quarter	-	-	0 0 1
Prussiate of Potash, the lb.	-	-	0 0 2
Tallow Greaves, the Ton	-	-	0 1 0
Scrap Steel, the Ton	-	-	0 5 0
Gallic Powder, the Ton	-	-	0 5 0
Cocoa, of or from Foreign Countries, the lb.	-	-	0 0 2
Coffee, of or from Foreign Countries, the lb.	-	-	0 0 6
Currants, the Cwt.	-	-	0 15 0
Confectionary, the lb.	-	-	0 0 6
Cordials and Liqueurs, except Rum Shrub, being the Produce of any British Possession in America, or of any British Possession within the Limits of the <i>East India Company's Charter</i> , in regard to which the Conditions of the Act 4 Vic. c. 8. have or shall have been fulfilled, sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, the Gallon	-	-	0 9 0
Bottles of Glass not otherwise enumerated or described, the Cwt.	-	-	1 0 0
— and further, on account of the Excise Duty, the Cwt.	-	-	0 7 0

	£	s.	d.
Flint and Cut Glass, for every £100 Value	-	30	0 0
— and further, on account of the Excise Duty, the Cwt.	-	0	7 0
Glass Manufactures, not otherwise enumerated or described, and old broken Glass fit only to be remanufactured, the Cwt.	-	1	0 0
— and further, on account of the Excise Duty, the Cwt.	-	0	7 0
Plums preserved in Sugar, the lb.	-	0	0 6
Vinegar, the Tun	-	4	4 0

C A P. XVII.

An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies*. [6th June 1844.]

2 & 3 W. 4. c. 125. ' **W**HEREAS by an Act passed in the Session of the Second and Third Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount, for the Purposes and in the Manner therein mentioned; and for giving Relief to Trinidad, British Guiana, and Saint Lucie*, it was (amongst other things) enacted, that it should be lawful for the Commissioners thereby appointed, or other the Commissioners for the Time being acting in the Execution of the said Act, or any Three of them, to advance and lend Exchequer Bills to the Amount and in the Proportions therein specified to the Owners of and Persons interested in Estates which had suffered Injuries from the Causes therein mentioned in the Islands of *Jamaica, Barbadoes, Saint Vincent, and Saint Lucie*, and that the said Commissioners, or any Three of them, as therein mentioned, should take such Security or Securities as therein mentioned for the Repayment of any Advances or Loans to be made under the said Act within Ten Years from the Time of such Advances respectively, with Interest for the same in the meantime after the Rate of Four Pounds *per Centum per Annum*, with Power to the said Commissioners, in default of Repayment of such Loans or Advances, to take possession of any of the mortgaged Premises, and to sell or mortgage the same as therein mentioned; and it was enacted that all Mortgages and other Securities to be made in pursuance of the said Act should have such Priority as therein is mentioned: And whereas by an Act passed in the Session of the Fifth and Sixth Years of the Reign of His said Majesty King William the Fourth, intituled *An Act for granting Relief to the Island of Dominica; and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned*, it was (amongst other things) enacted, that it should be lawful for the Commissioners acting in the Execution of the said recited Act to advance Exchequer Bills to a certain Amount to the Owners

5 & 6 W. 4. c. 51.

of and Persons interested in the Property in the said Island of
Dominica which had suffered Injury as therein mentioned, and
 that such Advances should be made in the same Manner in all
 respects as was provided by the said recited Act with regard to
 the Advances thereby authorized to be made: And whereas by
 an Act passed in the Session of the Third and Fourth Years of
 the Reign of Her present Majesty, intituled *An Act to amend* 3 & 4 Vict. c. 40.
Two Acts of His late Majesty King William the Fourth, for the
Relief of certain of Her Majesty's Colonies and Plantations in
the West Indies, it was (amongst other things) enacted, that it
 should be lawful for the Commissioners for the Time being
 acting in the Execution of the said therein and herein before
 recited Acts, or any Three of them, with the Consent in Writing
 of the Lord High Treasurer for the Time being, or any Three or
 more of the Commissioners of Her Majesty's Treasury of the
 United Kingdom of *Great Britain and Ireland* for the Time
 being, upon any Application made to them at any Time before
 the passing of the said Act, or upon any Application thereafter
 to be made to them, to grant any Extension or Enlargement of
 the Time limited for the Repayment of any Loan or Advance
 which should have been or should be made under the Provisions
 or Authority of the therein-before recited Acts, or any Part of
 such Loan or Advance, for any Period not exceeding Ten Years
 from the Day originally fixed for the Repayment thereof or the
 last Instalment thereof, together with Interest for the same as in
 the said Act now in recital is provided, and so that every such
 Extension of Time should be made on the Conditions in the said
 Act now in recital specified; and it was by the said Act pro-
 vided, that every such Application should be made not less than
 One Year before such Time or Times so limited for the Repay-
 ment of such Loans should arrive: And whereas it is expedient
 that the Powers of granting such Extension of Time should be
 altered, and that the said Commissioners should be enabled to
 make such Transfers of the Securities made in pursuance of the
 said Acts, and the Monies thereby secured, in manner after-
 mentioned: Be it therefore enacted by the Queen's most Excel-
 lent Majesty, by and with the Advice and Consent of the Lords
 Spiritual and Temporal, and Commons, in this present Parliament
 assembled, and by the Authority of the same, That so much of
 the said last-recited Act as provides that every such Application
 for such Extension of Time for the Payment of any such Loan as
 aforesaid should be made within One Year before the Time or
 Times limited for the Payment of such Loans as aforesaid should
 arrive shall be and is hereby repealed; and that henceforth it
 shall and may be lawful for the said Commissioners acting in the
 Execution of the said recited Acts, or any Three of them, with
 such Consent and in all respects whatsoever as by the said lastly
 herein-before recited Act is provided, to grant such Extension of
 Time for the Repayment of such Loans as aforesaid in all respects
 as is by the said Act provided, and under and subject to the
 Conditions in the said last-recited Act specified, except that any
 such Extension of Time may be granted at any Time hereafter,
 and without regard to the Period at which the Application for
 the granting thereof shall be or shall have been made, and not-
 withstanding the Time originally fixed for the Repayment of such
 Loan

Proviso in last-
 recited Act,
 limiting the
 Time for mak-
 ing Applications
 for Extension of
 Time for Repay-
 ment of Loans,
 repealed, and
 Commissioners
 enabled to grant
 such Extension.

Loan shall have arrived, or that the Monies so secured as aforesaid shall be actually due; and any such Extension which shall be hereafter granted shall be taken to have been granted in pursuance of the Powers in the said recited Acts contained in all respects whatsoever, except as regards the hereby repealed Provision contained in the lastly herein-before recited Act.

Grants for Extension of Time need not be recorded.

II. And be it enacted, That it shall not be necessary to record, register, or enrol, in any Colonial Registry or elsewhere, any such Grant or Extension of Time, or any Power of Sale or Covenant to be entered into on the granting such Extension, which may already have been made or may hereafter be made in pursuance of the said recited Acts or of this Act; but that every such Grant of Extension, and other Instrument, Power of Sale, or Covenant, shall in all respects have the same Effect as if the same respectively had been duly registered, recorded, or enrolled on the Day of the Date thereof, in pursuance of any Law or Provision for the registering, recording, or enrolling of Instruments which may be subsisting in the Island or Colony wherein the Hereditaments to which such Instruments may relate are situate.

Commissioners may transfer Securitie, &c.

III. And be it enacted, That it shall be lawful for the said Commissioners acting in the Execution of the said recited Acts, or any Three of them, to make any Transfer of any Sum or Sums of Money secured to or owing to Her Majesty under or by virtue of any Security made in pursuance of the said recited Acts respectively, and either before or after such Sums shall be actually due, and any Interest thereon which may be due, and to convey and assure the Securities for the same unto or in trust for any Person or Persons who shall pay and discharge all Principal Monies due or secured by such Mortgage Security as aforesaid, and the Interest thereon, such Principal Monies and Interest to be paid into the Bank of *England*, and in all respects as by the said first-recited Act is provided with respect to the Repayment of the Monies to be secured by virtue of the Provisions of the said Act; and upon any such Transfer and Disposition so to be made as aforesaid the Person or Persons to whom such Transfer or Disposition shall be made, his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall have in all respects such and the same Priorities, Privileges, Powers, and Securities as by the said recited Acts or any of them are given to Her Majesty or the said Commissioners, or any of them, or which Her said Majesty, Her Heirs or Successors, or the said Commissioners acting in execution of the said recited Acts, would have had in case no such Transfer had been made.

Conveyances by Commissioners to have the same Effect as if executed by Her Majesty.

IV. And be it enacted, That every Conveyance, Transfer, and Assignment authorized by this Act may be made and executed by the Commissioners for the Time being acting in the Execution of the said recited Acts, or by any Three of them, or by any Attorney or Attornies by them or any Three of them appointed for that Purpose by Deed under their Hands and Seals; and every such Conveyance, Transfer, or Assignment so made and executed shall have the same Effect to all Intents and Purposes as if made and executed by Her said Majesty, Her Heirs or Successors.

Act may be amended, &c.

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

C A P. XVIII.

An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*. [6th June 1844.]

WHEREAS Doubts have arisen as to the proper Authority by which, in certain Cases, Courts-martial may be appointed and convened, and the Sentences thereof confirmed, in the *East Indies* and elsewhere; and it is important to the Maintenance of good Order and Military Discipline that such Doubts should be removed; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, any Law, Custom, Usage, Statute, Regulations, Articles of War, or Warrant to the contrary notwithstanding, any General or other Officer who may from Time to Time have Power to appoint or convene General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter, or by any of the Officers, Soldiers, or Followers in the Service of the said Company, being Natives of the *East Indies* or other Places within the Limits aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to appoint or convene General or District or other Courts-martial (as the Case may be) to be holden for the Trial of Offences committed by any Officer, Soldier, or Follower in any of the said Services, who may be under the actual Command, or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer as to appointing or convening Courts-martial might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services; and that in like Manner any General or other Officer who may from Time to Time have Power to confirm Sentences of General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives as aforesaid, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, being such Natives as aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to confirm Sentences of General or District or other Courts-martial (as the Case may be) held for the Trial of any Officer or Soldier or Follower in any of the said Services, who may be under the actual Command or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer, as to confirming the Sentences of Courts-martial, might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services.

Any Officer who may convene or confirm Courts-martial for the Queen's Troops, or for the *East India* Company's Troops, may convene or confirm Courts-martial for any Troops under his actual Command.

Offenders may be tried where-soever they may be serving or the Offence may have been committed.

II. And be it enacted, That the said several Powers may be exercised as aforesaid to whichsoever of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay* the Offender may belong, or whether the General or other Officer appointing or convening the Court-martial, or confirming the Sentence, may be the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold his Command or his Power to appoint, convene, or confirm the Sentences of Courts-martial from or under the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold such Command or Power from or under any other Authority whatsoever, or whether the Offence shall have been committed before or after the Officer appointing or convening the Court or confirming the Sentence shall have taken the Command, or before or after the Offender shall have been under the Command of such Officer, or before or after the Offender shall have been or shall have come within the local Limits of the Command of such Officer, or wheresoever, whether within the Presidency to which the Offender may belong, or within any other Presidency, Possessions, or Territories under the Government of the said Company, or on the High Seas, or elsewhere, the Offender may be serving, or the Offence shall have been committed, or the Court-martial shall be appointed, convened, or held.

Her Majesty may authorize Commanders-in-Chief to delegate Power confirming Sentences of General Courts-martial.

III. And be it enacted, That, any Articles of War or Usage to the contrary notwithstanding, Her Majesty may grant Warrants under Her Sign Manual severally empowering the Officer commanding in chief the Forces in *India*, and the General or other Officer commanding the Forces at each or any of the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* for the Time being, to authorize any General or other Officer not below the Rank of a Field Officer, having the Command of any Body of the Troops of Her Majesty or of the said Company serving in the Possessions or Territories which are or may be under the Government of the said Company or elsewhere, to confirm the Sentences of General Courts-martial which shall be holden for the Trial of Offences committed by any Officer, Soldier, or Follower of or belonging to such Troops; and the Officer commanding in chief the Forces in *India*, or the General or other Officer commanding the Forces at any of the said Presidencies, being so empowered, may authorize any such General or other Officer to confirm such Classes of Sentences only, or Sentences passed for such Classes of Offences only, or on such Classes of Persons only, as he may think fit, reserving to himself the Power of confirming Sentences in all such Cases as such General or other Officer may not be authorized to confirm, or may think fit to send for the Decision of such Officer commanding in chief the Forces in *India*, or of such Officer commanding the Forces at one of the said Presidencies.

No other Confirmation necessary, except in certain Cases.

IV. And be it enacted, That when, by any Act of Parliament or Articles of War, the Sentence of a Court-martial is not to be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency in the Territories subordinate to which the Offender shall have been tried, with the Concurrence of the Governor General in Council, or Governor in Council,

Council, or Governor of such Presidency, it shall not be necessary, in any such Case, that a Sentence so confirmed, with such Concurrence, should, in addition, be reported to or approved or confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which the Offender may belong; and the Officer confirming the Sentence, with such Concurrence, and in all other Cases the Officer authorized under the Provisions in this Act contained to confirm the Sentence of any Court-martial, shall have Power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

V. And be it enacted, That nothing in this Act contained shall empower any Person not otherwise duly authorized in that Behalf to confirm any Sentence of Death, Transportation, or Cashiering on any Commissioned Officer employed upon Her Majesty's Staff or serving in any of Her Majesty's regular Regiments; and that nothing in this Act contained shall empower any Officer, other than those herein-after mentioned, to confirm the Sentence of Death, Transportation, or Cashiering on a Commissioned Officer of the *East India* Company's Service; (that is to say,) the General or other Officer commanding in chief at the Presidency within which, or in Territories subordinate to which, the Offender shall have been tried, or the General commanding in chief the Army to which the Division, Brigade, or Party in which the Offender may be serving shall belong or be attached.

Confirmation of Sentence of Death on Commissioned Officers.

VI. Provided always, and be it enacted, That, save as herein-before is expressly provided, this Act shall not alter or affect the Laws, Statutes, Regulations, Articles of War, Usages, or Customs which now are or hereafter may be in force with respect to Her Majesty's Forces, or the Forces of the said *East India* Company, whether Natives or not of the *East Indies*, or other Places within the Limits of the said Company's Charter: Provided also, that this Act shall not be construed as declaring or interpreting the Extent of Her Majesty's Royal Prerogative, or the Meaning of any former Act or of any Article of War.

Act not otherwise to affect Laws now in force.

VII. And be it enacted, That the Provisions of this Act shall apply to all such Persons as may from Time to Time be liable to Martial Law under the Provisions of any Act of Parliament or Articles of War, and who may from Time to Time be serving or may be or come within the Limits of the Charter of the *East India* Company, construing the same as extending to all Places and Seas Eastward of the *Cape of Good Hope* to the *Straits of Magellan*.

Act to extend only to the *East Indies*.

VIII. And be it enacted, That, so far as regards Officers and Soldiers in Her Majesty's Service, this Act shall continue in force so long only as there may be in force some Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

Continuance of Act as to Her Majesty's Forces.

C A P. XIX.

An Act for regulating the Bailiffs of Inferior Courts.

[6th June 1844.]

‘ **W**HEREAS Courts are holden in and for sundry Counties, Hundreds, and Wapentakes, Honours, Manors, and other Lordships, Liberties, and Franchises, having by Custom or Charter Jurisdiction for the Recovery of Debts and Damages in personal Actions, and in many Places great Extortion is practised under Colour of the Process of such Courts:’ For Remedy thereof, be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Judge of every such Court shall have Power to appoint a sufficient Number of proper and responsible Persons to act as Bailiffs of the said Court, and in the Execution of the Process thereof, and to suspend or dismiss any such Bailiff for Misconduct, and no Bailiff so dismissed shall be qualified to be re-appointed; and the Bailiffs of the Court so appointed, and no other Persons, save as herein-after mentioned, shall serve all Summonses, and execute all Orders, Warrants, Precepts, Writs, and other Processes issued out of the said Court: and a List containing the Name and Place of Abode of every such Bailiff shall be put up in a conspicuous Place in the said Court: Provided always, that this Act shall not extend to prevent any Process from being executed by any High Sheriff or High Bailiff, or any Officer appointed by Act of Parliament to perform the Duties of Sheriff with regard to the Execution of Process out of any such Court, or his or their bound Bailiffs or other Officers.

Bailiffs to be appointed by the Judge of the Court.

Bailiffs to give Security.

II. And be it enacted, That every Bailiff so appointed under this Act shall give to the said Judge Security, in such Sum and Manner and Form as he shall from Time to Time order, for the due Performance of his Office, and for Payment of all Monies received by him in the Execution of his Office.

Bailiffs taking Fees other than those allowed to be discharged.

III. And be it enacted, That every Bailiff authorized to execute the Process of any such Court who shall wilfully and corruptly exact, take, or accept any Fee or Reward whatsoever other than and except such Fees as shall be allowed by Law and declared by Order of the Court, which shall be put up in some conspicuous Place in the Court, shall, upon Proof thereof before the said Court, be for ever incapable of serving or being employed in any Office of Profit or Emolument of the said Court.

Remedies against Officers of the Court guilty of Extortion or Misconduct.

IV. And be it enacted, That if any Bailiff acting under Colour or Pretence of the Process of any such Court shall be guilty of Extortion or Misconduct, or shall not duly pay or account for any Money levied under Process of the said Court, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs to the Parties aggrieved, as he shall think just; and in default of Payment of any Money so ordered to be paid within the Time specified for the Payment thereof it shall be lawful

for the Judge of the said Court, by Warrant under his Hand and Seal, to cause such Sum to be levied by Distress and Sale of the Goods of the Offender, together with the reasonable Charges of such Distress and Sale, and in default of such Distress to commit the Offender to the County Gaol or House of Correction for any Time not exceeding One Calendar Month.

V. And be it enacted, That for every such Court a Seal shall be made under the Direction of the Judge of such Court, and that all Summonses and other Process issuing out of the said Court shall be sealed or stamped with such Seal; and every Person who shall forge the Seal or any Process of the Court, or who shall serve or enforce any such forged Process, knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the said Court, knowing the same to be false, or who shall act or profess to act under or by the Authority of such Summons or Process, knowing the same to be false, or who shall take upon himself to act as a Bailiff of any such Court without lawful Authority, shall be guilty of Felony.

Persons forging Process, &c. guilty of Felony.

VI. And be it enacted, That no Goods which shall be taken in Execution under any Process of any such Court shall be sold until the End of Three Days at least next following the Day on which such Goods shall have been so taken, unless such Goods be of a perishable Nature, or upon Request in Writing under the Hand of the Party whose Goods shall have been taken; and until such Sale the Goods so taken shall be in the Custody of the Bailiff to whom the Warrant of Execution shall have been directed.

Sale not to be till Three Days after Execution.

VII. And be it enacted, That if any Bailiff of any such Court shall be assaulted while in the Execution of his Duty, or if any Rescue shall be made or attempted to be made of any Person or Goods taken or levied under Process of any such Court, the Person offending therein, on Conviction thereof before any Two Justices of the Peace, shall be imprisoned with or without hard Labour in the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, or shall forfeit and pay such Fine not exceeding Five Pounds as may be set upon him by the said Justices of the Peace; and every such Fine, with the Costs of Conviction, in case of Nonpayment thereof, shall be levied by Distress and Sale of the Goods of the Offender.

Penalty for assaulting Bailiffs, or rescuing Persons or Goods taken in Execution.

VIII. And be it enacted, That all Actions and Prosecutions to be commenced against any Bailiff of any such Court for any thing done in pursuance of his Duty as such Bailiff, or for such Grievance, Misfeasance, or Nonfeasance as aforesaid, shall be laid and tried in the County where the Offence was committed, and shall be commenced within Three Calendar Months after the Fact committed, and not afterwards or otherwise; and Notice in Writing of such Action or Prosecution, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of such Action or Prosecution; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends, in the Opinion of the Judge who shall try such Action, shall have been made before Action brought, or if after Action brought a sufficient Sum of Money, in the Opinion of the Judge as aforesaid,

Limitation of Actions, &c.

said, with Costs, shall have been paid into Court, in satisfaction of such Action.

Meaning of
"Judge."

IX. And be it enacted, That in this Act the Word "Judge" shall be construed to mean the County Clerk, Under Sheriff, Steward, or other Person by or before whom any such Court shall be holden.

Act may be
amended, &c.

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

C A P. XX.

An Act to amend an Act of the First and Second Years of Her present Majesty, for securing the Debt due by the City of *Edinburgh* to the Public. [6th June 1844.]

1 & 2 Vict. c. 55.

‘ WHEREAS an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to regulate and secure the Debt due by the City of Edinburgh to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City and the Town of Leith*: And whereas by the said Act the Port and Harbour of *Leith*, and Lands, Houses, and Areas, and other Properties connected therewith, and Rates and Duties payable thereat, as held by the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, were vested in the Commissioners to be appointed and elected by virtue of the said Act for the Purpose (among other things) of regulating and securing the Debt due by the City of *Edinburgh* to the Public: And whereas it would occasion much Expence and Inconvenience were it necessary from Time to Time to renew the Rights and Investitures of the aforesaid Port and Harbour of *Leith*, and Property, in favour of such Commissioners as may be appointed and elected in the Room of those dying, resigning, or becoming disqualified, and it is expedient to prevent the same: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Superintendence and Management of the Harbour and Docks of *Leith*, elected and appointed for the Time being in pursuance of the said recited Act, shall be and they are hereby declared to be one Body Politic and Corporate, for the Purposes set forth in the aforesaid Act, and the Acts therein referred to, and in this Act, by the Name and Style of “The Commissioners for the Harbour and Docks of *Leith*,” 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 and may hold the aforesaid Port or Harbour of *Leith*, and the Rates and Duties payable thereat, and all Lands, Tenements, Heritages, and other Property, real and personal, of and belonging to the said Harbour and Docks of *Leith*, and may purchase or acquire other Lands, Tenements, or Heritages, or other Property, real or personal, to be held by them for the Use of the said Harbour and Docks of *Leith*, but for no other Use or Purpose,

Leith Harbour
Commissioners
incorporated.

Purpose, and may also sell or dispose of, with the Consent of the Commissioners of Her Majesty's Treasury, any Part of the said Real or Personal Property, if they shall deem it expedient, for the Use and Behoof of the said Harbour and Docks, the Price or Consideration Money obtained upon such Sales being always applied in repairing or ameliorating the other or remaining Property of or belonging to the said Harbour and Docks, or in the Purchase of other Lands, Tenements, or Heritages, to belong unto the said Commissioners.

II. And be it enacted, That the aforesaid Port and Harbour of *Leith*, and the Rates and Duties payable thereat, and all Lands, Tenements, Heritages, and other Property, real and personal, at present vested in the said Commissioners or their Predecessors in Office, shall be and the same are hereby vested in the said Commissioners for the Time being as a Body Corporate for the Purposes aforesaid, in like Manner and to the same End and Effect as if the Titles and Investitures were so expressed, and that without any new Conveyance or Investiture, whatever may be the Terms in which the Rights and Titles have been taken.

Vesting Harbour and Works in the Commissioners when incorporated.

III. And be it enacted, That every Security, Evident, and Deed shall be deemed and held to be the Security, Evident, and Deed of the said Commissioners, which shall be signed at and in Presence of a Meeting of the said Commissioners as follows; where the same consists of only One Page, by the Preses of the Meeting, and at least Four others of the said Commissioners present at the Time; and where the same shall consist of more than One Page, by the Preses of the Meeting upon each Page, and by at least Four others of the said Commissioners present at the Time upon the last Page; any Law or Practice to the contrary notwithstanding.

Securities and Deeds.

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

Act may be amended, &c.

C A P. XXI.

An Act to reduce the Stamp Duties on Policies of Sea Insurance and on certain other Instruments, and to repeal the Duties on certain Bonds, and the Law requiring Public Notaries in *Ireland* to deliver Accounts of Bills and Notes noted by them. [6th June 1844.]

‘ WHEREAS under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for repealing the Stamp Duties on Deeds, Law Proceedings, and other written or printed Instruments, and the Duties on Fire Insurances, and on Legacies, and Successions to Personal Estate upon Intestacies, now payable in Great Britain; and for granting other Duties in lieu thereof*, certain Stamp Duties specified and contained in a Schedule to the said Act annexed were granted and made payable in *Great Britain* for and in respect of (amongst other things) Policies or other Instruments of Insurance, Agreements, and Letters or Powers of Attorney: And whereas by an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William*

55 G. 3. c. 184.

3 & 4 W. 4. c. 23.

' the Fourth, 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*, the Duties granted by the said first-recited Act on certain Policies or other Instruments of Sea Insurance were repealed, and in lieu thereof other Stamp Duties were granted and made payable in *Great Britain and Ireland* respectively for and in respect of the same Policies or Instruments: And whereas under and by virtue of an Act passed in the Fifth and

5 & 6 Vict. c. 82.

' *Sixth Years of Her present Majesty's Reign, intituled An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same until the Tenth Day of October One thousand eight hundred and forty-five*, the Stamp Duties granted and then payable in *England* under or by virtue of the said first-recited Act were extended to and made payable in *Ireland* in lieu of certain Stamp Duties repealed by the last-recited Act: And whereas it is expedient to reduce the Stamp Duties now payable in *Great Britain and Ireland* respectively on Policies or other Instruments of Sea Insurance, and on certain Agreements, and also on certain Letters or Powers of Attorney or other Instruments for appointing Proxies: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Stamp Duties now payable in *Great Britain and Ireland* respectively, under or by virtue of the said several recited Acts or any of them, on the Policies or other Instruments of Sea Insurance, and on the Agreements, and also on the Letters or Powers of Attorney or other Instruments for appointing Proxies respectively mentioned and described in the Schedule hereunto annexed, and whereon other Duties are by this Act granted and imposed, shall respectively cease and determine, and shall be and the same are hereby repealed, save and except so much and such Part and Parts of the said Duties respectively as shall have accrued or been incurred before or upon the passing of this Act, and shall then or at any Time afterwards be or become due or payable, and remain in arrear and unpaid, all which said Duties so remaining in arrear and unpaid as aforesaid shall be recoverable by the same Ways and Means and with such and the same Penalties as if this Act had not been passed.

Stamp Duties on Policies of Sea Insurance and on certain Agreements, and also on certain Instruments for appointing Proxies, repealed, except as to Arrears.

New Duties granted in lieu of Duties repealed.

II. And be it enacted, That from and after the passing of this Act, in lieu and instead of the said several Duties by this Act repealed there shall be granted, raised, levied, collected, and paid in *Great Britain and Ireland* respectively, unto and for the Use of Her Majesty, Her Heirs and Successors, for and in respect of the several Articles, Matters, and Things mentioned and described in the Schedule to this Act annexed, the several Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said last-mentioned Schedule; and that the said last-mentioned Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Articles, Matters, and Things

charged therewith, shall be deemed and taken to be Part of this Act.

III. And be it enacted, That the said Duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being; and that all the Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by the several former Acts of Parliament relating to any prior Duties of the same Kind or Description in *Great Britain* and *Ireland* respectively, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, and Paper, Articles, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so 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 in relation 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 by this Act granted.

IV. And be it enacted, That if any Person shall become an Assurer upon any Insurance in respect whereof any Duty is by this Act made payable, or shall subscribe or underwrite, or otherwise sign or make or enter into any Contract, Agreement, or Memorandum of any such Insurance, or shall receive or contract for any Premium or Consideration for any such Insurance, or shall receive or charge or take credit in account for any such Premium or Consideration as aforesaid, or any Sum of Money as or for any such Premium or Consideration as aforesaid, or shall wilfully or knowingly take upon himself any Risk, or render himself liable to pay, or shall pay, or allow or agree to pay, or allow in account or otherwise, any Sum of Money upon any Loss, Peril, or Contingency relative to any such Insurance, unless such Insurance shall be written on Vellum, Parchment, or Paper duly stamped, or if any Person shall be concerned in any fraudulent Contrivance or Device, or shall be guilty of any wilful Act, Neglect, or Omission, with Intent to evade the Duties payable under this Act on Policies of Insurance, or whereby any such Duties shall be evaded, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds: Provided always, that nothing herein contained shall extend to subject any Member, Officer, or Servant of the London Assurance or Royal Exchange Assurance Corporations respectively to any of the Penalties by this Act imposed, for or by reason of his making any Agreement to insure by any Label, Slip, or Memorandum in Writing upon unstamped Paper; provided that in every such Case the Day on which such Agreement shall be made shall be truly expressed in Words at Length on such Label, Slip, or Memorandum, and a Policy of Insurance according to such Agreement shall be made out in due Form on Vellum, Parchment, or Paper duly stamped,

Powers and Provisions of former Acts to be applied to the Duties granted by this Act.

Penalty for evading the Duties on Insurances.

The London Assurance and the Royal Exchange Assurance Corporations allowed to make Agreements on unstamped Slips, on certain Conditions.

and which shall be duly executed within Three Office Days from the Time of making such Agreement as aforesaid.

Agreements chargeable with Duty under this Act may be stamped within Fourteen Days after the making thereof.

V. And be it enacted, That if any Agreement, or Minute or Memorandum of an Agreement, chargeable with Duty under this Act, shall be ingrossed, written, or printed upon Vellum, Parchment, or Paper not duly stamped according to Law, and such Agreement, Minute, or Memorandum shall be brought to the Commissioners of Stamps and Taxes, or to any of their Officers appointed or authorized to receive the same, to be stamped, together with the Duty payable thereon, within Fourteen Days after such Agreement, Minute, or Memorandum shall have been made or entered into, it shall be lawful for the said Commissioners and they are hereby required to cause the same to be stamped without the Payment of any Penalty: Provided always, that if such Agreement, Minute, or Memorandum shall not be brought to be stamped as aforesaid within the Time herein-before prescribed and limited for that Purpose there shall be payable by way of Penalty on the stamping thereof the Sum of Ten Pounds, over and above the Duty chargeable thereon.

Penalty on stamping the same afterwards, 10L.

Instruments of Proxy to be available for voting at One Meeting, or at any Adjournment thereof.

VI. And be it enacted, That any Letter or Power of Attorney, or other Instrument made for the Purpose of appointing or nominating a Proxy, and chargeable with Duty under this Act, shall authorize such Proxy to vote upon any Matter at One Meeting of the Proprietors or Shareholders of or in any Company or Society, the Time of holding whereof shall be specified in such Instrument, or at any Adjournment of such Meeting; and no such Letter or Power of Attorney or other Instrument shall be further or otherwise available, any thing in such Instrument or in any Act of Parliament to the contrary notwithstanding.

Commissioners not to stamp Instruments appointing Proxies after the signing thereof. Penalty for signing Instruments appointing Proxies, not being duly stamped, &c.

VII. And be it enacted, That it shall not be lawful for the Commissioners of Stamps and Taxes, or any of their Officers, under any Pretence whatever, to stamp or mark, after the signing thereof by any Person, any Vellum, Parchment, or Paper upon which any Letter or Power of Attorney, or other Instrument appointing or nominating a Proxy, chargeable with Duty under this Act, shall be ingrossed, written, or printed; and if any Person shall make or sign any such Letter or Power of Attorney or other Instrument as aforesaid which shall be ingrossed, written, or printed, or partly ingrossed or written and partly printed, upon Vellum, Parchment, or Paper not duly stamped according to Law, or if any Person shall vote or attempt to vote or act as a Proxy in pursuance or under the Authority or pretended Authority of any such Letter or Power of Attorney or other Instrument not duly stamped as aforesaid, every Person so offending in any or either of the Cases aforesaid shall forfeit and pay the Sum of Fifty Pounds; and every Vote made or given or other Act done in pursuance or under the Authority or pretended Authority of any such Letter or Power of Attorney or other Instrument, not duly stamped as aforesaid, shall be absolutely null and void to all Intents and Purposes.

Recital of 6 G. 4. c. 41.

VIII. ' And whereas by an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled *An Act to repeal the Stamp Duties payable in Great Britain and Ireland upon the Transfer of Property in Ships and Vessels, and upon Bonds and Debentures required to be given in relation to the Duties, Draw-*

backs, and Bounties of Customs or Excise, and to grant other Duties of Stamps on such Bonds and Debentures, the Stamp Duty of Five Shillings was granted and is now payable for and upon every Bond given pursuant to the Directions of any Act of Parliament, or by the Direction of the Commissioners of Customs or Excise, or any of their Officers, for or in respect of any of the Duties of Customs or Excise, or for preventing Frauds or Evasions thereof, or for any other Matter or Thing relating thereto, except certain Bonds in the said Act mentioned and exempted from the said Duty: And whereas it is expedient to repeal the said Duty granted by the last-recited Act, so far as relates to Bonds given with relation to the Drawback of any of the Duties of Customs or Excise on the Exportation of Goods to Foreign Parts; be it therefore enacted, That from and after the passing of this Act the said Stamp Duty of Five Shillings granted by the said last-recited Act, so far as the same is charged or payable for or upon any Bond to be given pursuant to the Directions of any Act of Parliament, or by the Direction of the Commissioners of Customs or Excise, or any of their Officers, upon or with relation to the receiving or obtaining, or for entitling any Person to receive or obtain, any Drawback of any Duty or Duties or Part of any Duty or Duties of Customs or Excise, for or in respect of any Goods, Wares, or Merchandize exported or shipped to be exported from Great Britain or Ireland respectively to any Parts beyond the Seas, or for or upon any Bond to be given as aforesaid upon or with relation to the obtaining of any Debenture or Certificate for entitling any Person to receive any such Drawback as aforesaid, shall cease and determine, and the same is hereby repealed.

Stamp Duty on Bonds given for obtaining Drawbacks of Duties of Customs or Excise repealed.

IX. And whereas by an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act to regulate the Collection of Stamp Duties on Matters in respect of which Licences may be granted by the Commissioners of Stamps in Ireland*, every Public Notary in Ireland is required, under a Penalty in the said Act contained, once in every Two Months to deliver or cause to be delivered at the Stamp Office in Dublin a faithful Account in Writing, verified as in the said Act is mentioned, of Bills of Exchange and Promissory Notes which shall have been noted by him for Nonacceptance or Nonpayment, and at the same Time to pay the Stamp Duty which would then by Law be payable for or in respect of every such Bill or Note, if protested in due Form of Law: And whereas it is expedient to repeal the said Enactment; be it therefore enacted, That from and after the passing of this Act so much of the said last-recited Act as requires any such Account as aforesaid to be delivered, or as imposes any Penalty for the Nondelivery thereof, or for the Nonpayment of any Duty thereon, shall be and the same is hereby repealed.

So much of 55 G. 3. c. 101. s. 30. requiring Public Notaries in Ireland to deliver Accounts of Bills and Notes noted by them, and to pay the Stamp Duties as for Protests thereof, repealed.

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

Act may be amended. &c.

The SCHEDULE to which this Act refers ;

CONTAINING

THE DUTIES IMPOSED BY THIS ACT.

For and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Ship or Vessel, or upon any Goods, Merchandize, or other Property on board of any Ship or Vessel, or upon the Freight of any Ship or Vessel, or upon any other Interest in or relating to any Ship or Vessel which may lawfully be insured for or upon any Voyage whatever, the following Duties, where the whole Sum insured shall not exceed One hundred Pounds, and where the whole Sum insured shall exceed One hundred Pounds, then for every One hundred Pounds, and also for any fractional Part of One hundred Pounds, whereof the same shall consist ; (that is to say,)

£ s. d.

Where the Premium or Consideration for such Insurance actually and bonâ fide paid, given, or contracted for shall not exceed the Rate of Ten Shillings per Centum on the Sum insured - 0 0 3

And where the same shall exceed the Rate of Ten Shillings per Centum, and shall not exceed the Rate of Twenty Shillings per Centum, on the Sum insured - 0 0 6

And where the same shall exceed the Rate of Twenty Shillings per Centum, and shall not exceed the Rate of Thirty Shillings per Centum, on the Sum insured - 0 1 0

And where the same shall exceed the Rate of Thirty Shillings per Centum, and shall not exceed the Rate of Forty Shillings per Centum, on the Sum insured - 0 2 0

And where the same shall exceed the Rate of Forty Shillings per Centum, and shall not exceed the Rate of Fifty Shillings per Centum, on the Sum insured - 0 3 0

And where the same shall exceed the Rate of Fifty Shillings per Centum on the Sum insured - 0 4 0

But if the separate Interests of Two or more distinct Persons shall be insured by one Policy or Instrument, then the said respective Duties, as the Case may require, shall be charged thereon in respect of each and every fractional Part of One hundred Pounds, as well as in respect of every full Sum of One hundred Pounds, which shall be thereby insured upon any separate and distinct Interest.

And for and in respect of every Policy of Assurance or Insurance, or other Instrument whereby any such Insurance as aforesaid shall be made for any certain Term or Period of Time, the following

£ s. d.

Rates or Sums for every One hundred Pounds, and also for any fractional Part of One hundred Pounds, whereof the same shall consist; (that is to say,)

Where any such Insurance shall be made for any Term or Period not exceeding Six Calendar Months - - - 0 2 6

Exceeding Six Calendar Months - 0 4 0

And for and in respect of every Policy of Assurance or Insurance, or other Instrument, by whatever Name the same shall be called, whereby any Insurance, commonly called a Mutual Insurance, shall be made, or whereby divers Persons shall insure or agree to insure one another, without any Premium or pecuniary Consideration, from any Loss, Damage, or Misfortune that may happen of or to any Ship or Vessel, or any Goods, Merchandize, or other Property on board of any Ship or Vessel, or the Freight of any Ship or Vessel, or any other Interest in or relating to any Ship or Vessel which may lawfully be insured upon any Voyage whatever, and not for any Period of Time,

For every Sum of One hundred Pounds, and also for each and every fractional Part of One hundred Pounds, thereby insured to any Person or Persons - - - 0 2 6

And for and in respect of every Agreement, or Minute or Memorandum of an Agreement, now chargeable with the Duty of One Pound under the Head or Title of "Agreement" in the Schedule to the Act 55 Geo. 3. c. 184. annexed - 0 2 6

And for and in respect of every Letter or Power of Attorney or other Instrument made for the sole Purpose of appointing or nominating a Proxy to vote at any Meeting of the Proprietors or Shareholders of or in any Joint Stock Company or other Company or Society whose Stock or Funds are divided into Shares and transferable - 0 2 6

C A P. XXII.

An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in *England*. [4th July 1844.]

WHEREAS an Act was passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing so much of an Act of the Thirty-first Year of His late Majesty as inflicts Capital Punishment for Frauds and Abuses in the marking or stamping of Gold or Silver Plate, and for inflicting another Punishment for the said Offence:* And whereas by an Act passed in the Thirty-eighth Year of the Reign

13 G. 3. c. 59.

38 G. S. c. 69.

' Reign of His said late Majesty King *George* the Third, intituled
 ' *An Act for allowing Gold Wares to be manufactured at a*
 ' *Standard lower than is now allowed by Law*, it is enacted, " that
 ' from and after the said First Day of *October* One thousand
 ' seven hundred and ninety-eight if any Person shall forge, cast,
 ' or counterfeit, or cause or procure to be cast, forged, or counter-
 ' feited, the Mark or Stamp used or directed to be used in pur-
 ' suance of this Act for the marking or stamping of Gold Plate by
 ' the Company of Goldsmiths in *London* or *Edinburgh*, or the *Bir-*
 ' *mingham* or *Sheffield* Company, or by the Wardens or Assayer
 ' or Assayers at *York*, *Exeter*, *Bristol*, *Chester*, *Norwich*, or *New-*
 ' *castle-upon-Tyne*, or any or either of them, or shall cast, forge,
 ' or counterfeit, or shall cause or procure to be cast, forged, or
 ' counterfeited, any Mark, Stamp, or Impression in imitation of or
 ' to resemble any Mark, Stamp, or Impression made or to be made
 ' with any Mark or Stamp used or to be used as aforesaid by the
 ' said Company of Goldsmiths in *London* or *Edinburgh*, or by
 ' the said *Birmingham* or *Sheffield* Companies, or by the said
 ' Wardens or Assayer or Assayers, or any or either of them, or
 ' shall mark or stamp, or cause or procure to be marked or
 ' stamped, any Wrought Plate of Gold, or any Wares of Silver,
 ' Brass, or other Metal gilt over and resembling Plate of Gold,
 ' with any Mark or Stamp which hath been or shall be forged or
 ' counterfeited at any Time, either before, on, or after the said
 ' First Day of *October* One thousand seven hundred and ninety-
 ' eight, in imitation of or to resemble any Mark or Stamp used or
 ' to be used as aforesaid by the said Company of Goldsmiths in
 ' *London* or *Edinburgh*, or by the said *Birmingham* or *Sheffield*
 ' Companies, or by the said Wardens or Assayer or Assayers, or
 ' any or either of them, or shall transpose or remove, cause or
 ' procure to be transposed or removed, from one Piece of wrought
 ' Plate to another, or to any Vessel of Silver, Brass, or other Metal
 ' as aforesaid, any Mark, Stamp, or Impression made or to be made
 ' by or with any Mark or Stamp used or to be used as aforesaid
 ' by the said Company of Goldsmiths in *London* or *Edinburgh*, or
 ' by the said *Birmingham* or *Sheffield* Companies, or by the said
 ' Wardens or Assayer or Assayers, or any or either of them, or
 ' shall sell, exchange, or expose to sale, or export out of this King-
 ' dom, any wrought Plate of Gold, or any Vessel of Silver, Brass,
 ' or other Metal as aforesaid, with any such forged or counterfeit
 ' Mark, Stamp, or Impression thereon, or any Mark, Stamp, or
 ' Impression which hath been or shall be transferred or removed
 ' from any other Piece of Plate, knowing such Mark, Stamp, or
 ' Impression to be forged, counterfeited, or transposed or re-
 ' moved as aforesaid, or shall wilfully or knowingly have or be
 ' possessed of any Mark or Stamp which hath been or shall be
 ' forged or counterfeit in imitation of and to resemble any Mark or
 ' Stamp used or to be used as aforesaid by the said Company of
 ' Goldsmiths in *London* or *Edinburgh*, or by the said *Birmingham*
 ' and *Sheffield* Companies, or by the said Wardens or Assayer or
 ' Assayers, or any or either of them, every such Person offending
 ' in any such or either of the Cases aforesaid, being thereof law-
 ' fully convicted, shall be adjudged guilty of Felony, and shall be
 ' transported to such Parts beyond the Seas as His Majesty, with
 ' the

the Advice of His Privy Council, shall direct, for the Space of Seven Years:” And whereas it is expedient to simplify the said Laws, and to alter the Punishments thereby imposed, and to make further Provision for preventing Frauds and Abuses in the marking of and dealing in Gold and Silver Wares:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third, and so much of the said Act passed in the Thirty-eighth Year of the Reign of His said late Majesty King *George* the Third as is herein-before recited, shall be and the same are hereby repealed, so far as the same relate to that Part of the United Kingdom called *England*, except as to Offences committed before the Day on which this Act shall come into operation, which shall be dealt with and punished as if this Act had not been passed; nevertheless no Act or Part of an Act repealed by the said Act passed in the Thirteenth Year of the Reign of His said late Majesty King *George* the Third shall be revived by the passing of this Act.

Recited Act
13 G. 3. c. 59.
and § 7. of
38 G. 3. c. 69.
repealed, ex-
cept as to Of-
fences already
committed.

II. And be it enacted, That every Person who shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, any Die or other Instrument, or any Part of any Die or other Instrument, provided or used or to be provided or used by the Company of Goldsmiths in *London*, or by any of the several Companies of Goldsmiths in the Cities of *York*, *Exeter*, *Bristol*, *Chester*, or *Norwich*, or the Town of *Newcastle-upon-Tyne*, or by the Companies of Guardians of the Standard of Wrought Plate in the Towns of *Sheffield* or *Birmingham* respectively, for the marking or stamping of any Gold or Silver Wares; and every Person who shall mark with any such forged or counterfeit Die or other Instrument, or with any Part of such forged or counterfeit Die or other Instrument as aforesaid, any Ware of Gold or Silver, or any Ware of base Metal, or shall utter any such Ware of Gold or Silver, or any such Ware of base Metal, so marked as aforesaid, knowing the same to be so marked as aforesaid; and every Person who shall forge or counterfeit, or by any Means whatever produce an Imitation of, or shall utter, knowing the same to be forged or counterfeit or an Imitation, any Mark or Part of any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, upon any Ware of Gold or Silver, or any Ware of base Metal; and every Person who shall transpose or remove, or shall utter, knowing the same to be transposed or removed, any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, from any Ware of Gold or Silver to any other Ware of Gold or Silver, or to any Ware of base Metal; and every Person who shall without lawful Excuse (the Proof whereof shall lie on the Party accused) have in his Possession any such forged or counterfeit Die or other Instrument as aforesaid, or any Ware of Gold or Silver, or any Ware of base Metal, having thereupon the Mark of any such forged or counterfeit Die or other Instrument as aforesaid, or having thereupon any such forged or counterfeit Mark or Imitation of a Mark as afore-
said,

Forging or
counterfeiting
any Die for
marking Gold
or Silver Wares,
or knowingly
uttering the
same;

marking Wares
with forged Die,
or uttering;

forging any
Mark of any
Die, or uttering;

transposing or
removing
Marks, or
uttering;

having in pos-
session any such,
knowing, &c.

cutting or severing Marks with Intent to affix upon other Wares;

affixing any Mark cut or severed from any other Ware;

or fraudulently using genuine Dies;

Felony:

Punishment.

Penalty on Dealer selling, &c. or having in his Possession any Wares with forged Marks.

Dealers to be exempted in certain Cases.

said, or any Mark which shall have been so transposed or removed as aforesaid, knowing the same respectively to have been forged, counterfeited, imitated, marked, transposed, or removed; and every Person who shall cut or sever from any Ware of Gold or Silver any Mark or any Part of any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, with Intent that such Mark or such Part of a Mark shall or may be placed upon or joined or affixed to any other Ware of Gold or Silver, or to any Ware of base Metal; and every Person who shall place upon or join or affix to any Ware of Gold or Silver, or any Ware of base Metal, any Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, which shall have been cut or severed from any Ware of Gold or Silver; and every Person who shall, with Intent to defraud Her Majesty, or any of the said several Companies of Goldsmiths and Guardians respectively, or any Person whatever, use any genuine Die or other Instrument provided or used or to be provided or used as aforesaid, and every Person counselling, aiding, or abetting any such Offender, shall be guilty of Felony, and shall, at the Discretion of the Court, either be transported beyond the Seas for any Term not exceeding Fourteen Years nor less than Seven Years, or be imprisoned, with or without hard Labour, for any Term not exceeding Three Years.

III. And be it enacted, That every Dealer in Gold or Silver Wares who shall sell or exchange, or expose or keep for sale, or shall export or import, or attempt to export or import, from or to *England*, or who shall have in his Possession without lawful Excuse (the Proof whereof shall lie upon him) any Ware of Gold or Silver, or any Ware of base Metal, having thereupon any Mark of any forged or counterfeit Die or other Instrument as aforesaid, or any forged or counterfeit Mark or Imitation of a Mark of any Die or other Instrument provided or used or to be provided or used by any of the several Companies of Goldsmiths and Guardians aforesaid, for marking Gold or Silver Wares, or having thereupon any Mark which shall have been transposed or removed thereto from any other Ware of Gold or Silver, shall for every such Ware so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to be exported or imported, or which shall so be in his Possession as aforesaid, forfeit and pay the Sum of Ten Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths and Guardians aforesaid in manner herein-after provided.

IV. Provided always, and be it enacted, That every such Dealer in Gold or Silver Wares who shall have sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or had in his Possession, any such Ware of Gold or Silver, or any such Ware of base Metal, having thereupon any Mark of any such forged or counterfeited Die or other Instrument as aforesaid, or any such forged or counterfeit Mark or Imitation of a Mark as aforesaid, or any Mark which shall have been so transposed or removed thereto as aforesaid, and shall within Twenty-one Days next after Notice thereof to him given by any of the several Companies of Goldsmiths or Guardians as aforesaid, or left at his usual Place of Abode, or at any House, Shop, or Place

Place where he shall carry on or transact his said Trade or Business, discover and make known to the Company of Goldsmiths or Guardians in or nearest to the City, Town, or Place in which such Person shall reside, or shall carry on or transact his said Trade or Business, the Name and Place of Abode of the actual Manufacturer of any such Ware of Gold or Silver, or Ware of base Metal, or of the Person or Persons from whom such Dealer in Gold or Silver Wares bought, had, or received the same respectively, then such Dealer in Gold or Silver Wares shall be and he is hereby exempted and discharged from any Penalty or Forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or imported, or attempted to export or import, or having in his Possession, any such Ware of Gold or Silver, or Ware of base Metal, as aforesaid, any thing herein-before contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend to exempt any Person from the legal Consequences of uttering or of having in his Possession any such Ware as aforesaid, knowing the same to be marked with a forged or counterfeit Die or other Instrument, or knowing the Mark thereupon to be forged, counterfeited, imitated, transposed, or removed, if such Knowledge shall be duly proved in any Criminal Prosecution or Proceeding against such Person for any such Offence.

Not to exempt Persons from the Consequences of uttering with guilty Knowledge.

V. And be it enacted, That if any Ware of Gold or Silver which shall have been duly assayed and marked at any Assay Office of any of the several Companies of Goldsmiths or Guardians aforesaid shall at any Time after the passing of this Act be altered, either by any Addition made thereto or otherwise, so that the Character or Denomination of such Ware, or the Use or Purpose for which the same was originally made or designed, shall be changed, or if any such Ware of Gold or Silver shall at any Time after the passing of this Act have any Addition made thereto (although its Character, Denomination, Use, or Purpose shall not be changed by reason of any such Addition), the Weight of which said Addition shall bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, every such Ware so altered or added to as aforesaid shall be again brought to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, and shall be assayed and marked as a new Ware, and as if no Part thereof had been before assayed, and notwithstanding any former Assay thereof, or the Marks of any such former Assay thereupon, and the Duty shall be paid upon the whole Weight of every such Ware, and of every Addition thereto (if any shall be made or intended to be made), without any Allowance for the Duty which may have been before paid upon any such Ware, or any Part thereof: Provided always, that if any Ware of Gold or Silver shall have any such Addition made thereto as last aforesaid, and the whole Weight of such Addition made thereto shall not bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, and so that the Character or Denomination, Use or Purpose, of such Ware, shall not be changed, it shall be lawful for the Company of

Where any Alterations or Additions are made, the Ware so altered or added to shall be again assayed, and marked as new, and Duty paid upon the whole.

Proviso for Cases where an Addition only is made to any Ware.

Penalty upon any Dealer altering or adding to any Ware without bringing same to be re-assayed and re-marked, or if only of a certain Weight, without procuring the Assent of any Company thereto ;

of Goldsmiths or Guardians at any such Assay Office to allow the Addition thereto only to be assayed and marked, and to receive and take the Duty on the Weight of such Addition thereto only; provided that before any such Addition shall be made thereto the said Ware shall be brought to such Office for the Inspection of such Company of Goldsmiths or Guardians aforesaid, and the Nature and Extent of the intended Additions thereto shall be fully explained to such Company, and such Company shall signify their Assent to the making of such Addition thereto; and every Dealer in Gold or Silver Wares who shall by any Means whatever alter or change the Character or Denomination of any Ware of Gold or Silver which shall have been before assayed and marked by any of the several Companies of Goldsmiths or Guardians aforesaid, so that the Use or Purpose for which the same was originally made or designed shall be changed, and every Dealer in Gold or Silver Wares who shall make or affix, or cause to be made or affixed, to any Ware of Gold or Silver which shall have been before assayed and marked at any Assay Office of any of the several Companies of Goldsmiths or Guardians aforesaid, any Addition of Gold or Silver, or any Addition of base Metal, the Weight of which said Addition thereto shall bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, without bringing or sending such Ware of Gold or Silver, so altered, changed, or added to as aforesaid, with every Addition made or intended to be made thereto, to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, to be assayed and marked as a new Ware, and every Dealer in Gold or Silver Wares who shall make or affix to any Ware of Gold or Silver which shall have been before assayed and marked as aforesaid any Addition of Gold or Silver, or any Addition of base Metal, the whole Weight of which said Addition shall not bear a greater Proportion to the original Weight of such Ware than Four Ounces Weight of such Addition to every Pound Troy Weight of such original Ware, without bringing or sending such last-mentioned Gold or Silver Ware so added to as last aforesaid, with every Addition intended to be made thereto, to the Assay Office of some one of the several Companies of Goldsmiths or Guardians aforesaid, for the Inspection of the said Company, and fully explaining the Nature and Extent of the intended Addition thereto to the said Company, and obtaining and procuring the Assent of the said Company to the making of such Addition before any such Addition shall be made thereto; and every Dealer in Gold or Silver Wares who shall sell or exchange, or expose or keep for sale, or export or attempt to export from *England*, or shall have in his Possession, any such Ware of Gold or Silver which shall have been so altered, changed, or added to as aforesaid, the same, or the Addition thereto, not having been so assayed and marked as aforesaid, shall for every such Ware forfeit and pay the Sum of Ten Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths or Guardians aforesaid respectively in the Manner herein-after provided; and every such Ware of Gold or Silver, if found at any House, Shop, or Place where any such Dealer in Gold or Silver Wares shall

carry

and upon every Dealer selling such Ware without the same being marked; and such Ware to be seized.

carry on or transact his Trade or Business, shall and may be lawfully seized by any of the several Companies of Goldsmiths or Guardians aforesaid, and by them be dealt with as herein-after is directed.

VI. Provided always, and be it enacted, That every such Dealer in Gold or Silver Wares who shall have sold or exchanged, or exposed or kept for sale, or exported or attempted to export from *England*, or had in his Possession, any such Ware of Gold or Silver which shall have been so altered, changed, or added to as aforesaid, the same or the Addition thereto not having been so assayed and marked as aforesaid, and shall within Twenty-one Days next after Notice thereof to him given by any of the several Companies of Goldsmiths or Guardians aforesaid, or left at his usual Place of Abode, or at any House, Shop, or Place where he shall carry on or transact his said Trade or Business, discover and make known to the Company of Goldsmiths or Guardians in or nearest to the City, Town, or Place in which such Person shall reside, or shall carry on or transact his said Trade or Business, the Name and Place of Abode of the actual Manufacturer of any such Ware of Gold or Silver as last aforesaid, or of the Person or Persons from whom such Dealer in Gold or Silver Wares bought, had, or received the same respectively, then such Dealer in Gold or Silver Wares shall be and he is hereby exempted and discharged from any Penalty or Forfeiture incurred by reason of his having so sold or exchanged, or exposed or kept for sale, or exported or attempted to export, or having in his Possession, any such Ware of Gold or Silver as last aforesaid, any thing herein-before contained to the contrary thereof notwithstanding.

Dealers to be exempted in certain Cases.

VII. And for the further Prevention of Abuses in the making and assaying of Gold and Silver Wares, be it enacted, That if any Assayer or other Officer of or Person employed by the Company of Goldsmiths in *London*, or any of the several Companies of Goldsmiths of the Cities of *York*, *Exeter*, *Bristol*, *Chester*, or *Norwich*, or of the Town of *Newcastle-upon-Tyne*, or either of the Companies of Guardians of the Standard of wrought Plate in the Towns of *Sheffield* or *Birmingham* respectively, shall mark, or permit or suffer to be marked, any Ware of base Metal with any Die or other Instrument used or to be used by any such Company for marking Gold or Silver Wares to denote that the same is of the Standard allowed and required by Law, every such Company of Goldsmiths or Guardians aforesaid to which any such Assayer or Officer shall belong or by whom such Person shall be employed shall for every such Offence forfeit and pay to Her Majesty the Sum of Twenty Pounds, which may be sued for and recovered in such and the like Manner as Penalties recoverable under any Act in force relating to Stamp Duties are to be sued for and recovered by Law; and every such Assayer or other Officer or Person employed as aforesaid, upon Complaint or Information made thereof by any Officer of Stamp Duties to any Justice of the Peace having Jurisdiction where any such Offence shall be committed, upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), and upon being convicted thereof by or before such Justice, shall be by him forthwith dismissed and discharged from his

If any Officer of any of the Halls shall mark any base Metal with any Die, &c. such Company to be liable to Penalty of 20*l*.;

the Officer to be dismissed;

his

and every such Ware to be seized.

Dealer to enter every Place wherein he shall carry on his Business or deposit Wares, &c.

Penalty 5*l*.

Penalty for any Dealer erasing, obliterating, or defacing any Mark.

Recovery and Application of Penalties.

his said Office and Employment of or in the Company of Goldsmiths or Guardians aforesaid to or in which he shall have so belonged or been so employed as aforesaid, and shall be incapable for ever afterwards of holding any Office or Employment either in or under the same or any other of the Companies of Goldsmiths or Guardians aforesaid; and every Ware of base Metal so marked as last aforesaid, when found in the Possession of any Dealer, or of any Officer of the Companies of Goldsmiths or Guardians aforesaid, shall and may be lawfully seized by any of the said Companies of Goldsmiths or Guardians aforesaid, other than the Company to which the offending Officer belongs, or by whom he is employed, and shall be dealt with as herein-after is provided.

VIII. And be it enacted, That every Dealer in Gold or Silver Wares who shall enter his private Mark under the Laws now in force with any of the Companies of Goldsmiths or Guardians aforesaid, shall at the Time he so enters his private Mark at the Hall or Office of any such Company give to the Officer there appointed to take the Entry of his said private Mark the Particulars of every House, Shop, and other Place in which he shall or may carry on or transact any Part of his said Trade or Business, and in which he shall or may deposit or keep any Gold or Silver Wares, as well as the Place of his Abode, in order that an Entry may be made at such Hall or Office of every such House, Shop, and other Place as aforesaid; and every such Dealer in Gold or Silver Wares shall from Time to Time enter in like Manner at such Hall or Office of any of the Companies of Goldsmiths or Guardians aforesaid where his private Mark has already been or may hereafter be entered the Particulars of every House, Shop, and other Place in which he shall or may from Time to Time transact or carry on any Part of his said Trade or Business, or in which he shall or may from Time to Time keep or deposit any Gold or Silver Wares, in order that an Entry may from Time to Time be made at such Hall or Office of every such House, Shop, and other Place as aforesaid; and every such Dealer in Gold or Silver Wares who shall fail, neglect, or refuse to give any such Particulars as aforesaid, and to cause such Entry of the same to be made as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds, which may be sued for and recovered in the Manner herein-after provided by the Company of Goldsmiths or Guardians aforesaid in respect whereof such Default shall have been made.

IX. And be it enacted, That every Dealer in Gold or Silver Wares who shall fraudulently erase, obliterate, or deface, or fraudulently cause to be erased, obliterated, or defaced, from any Ware of Gold or Silver, any Mark of any Die, Punch, or other Instrument used or to be used by any of the several Companies of Goldsmiths or Guardians aforesaid for the marking or stamping of Gold or Silver Wares, or any private Mark of any Dealer in Gold or Silver Wares, shall for every such Offence forfeit and pay the Sum of Five Pounds, which may be sued for and recovered by any of the several Companies of Goldsmiths or Guardians aforesaid respectively in the Manner herein-after provided.

X. And be it enacted, That the several pecuniary Forfeitures and Penalties imposed by this Act shall and may be sued for and recovered, with full Costs of Suit, in any of Her Majesty's Courts of

Of Record at Westminster, by Action of Debt, Bill, Plaint, or Information in the Name of any Master, Warden, Assayer, Clerk, or other Officer of any of the said several Companies respectively entitled to sue for or recover the same, or where the Penalty shall be forfeited to Her Majesty in the Name of the Attorney General, or by Information in the Name of any such Officer, or where the Penalty shall be forfeited to Her Majesty in the Name of an Officer of Stamp Duties, before a Justice of the Peace, in like Manner as any Penalty may be recovered before any such Justice by any Officer of Stamp Duties; and every such Penalty which shall be sued for and recovered in the Name of any Officer of the said several Companies respectively shall go and be paid wholly to the Company to which such Officer shall belong, to be applied by such Company in defraying the Expences of their Assay Office, and of detecting and prosecuting Offenders against this Act.

XI. And be it enacted, That whenever any of the said several Companies of Goldsmiths or Guardians aforesaid shall have reasonable or probable Cause to suspect that any Dealer in Gold and Silver Wares hath concealed or deposited in any House, Shop, or Place, or hath possession of any Wares of Gold or Silver which ought to be marked with any of the Marks provided or used or to be provided or used by any of the said Companies of Goldsmiths or Guardians respectively, for marking or stamping Gold or Silver Wares, and not so marked, or hath concealed or deposited as aforesaid, or hath possession of any such forged or counterfeited Die or other Instrument, or any Ware of Gold or Silver, or Ware of base Metal, having thereupon any Mark of any such forged or counterfeited Die or other Instrument as aforesaid, or having thereupon any forged or counterfeited Mark of any Die or other Instrument provided or used or to be provided or used as aforesaid, or any Mark which shall have been so transposed or removed thereto as aforesaid, it shall be lawful for any Justice of the Peace having Jurisdiction where any or either of such Offences shall be suspected to be committed, and such Justice is hereby required, upon Information or Complaint made of any such reasonable or probable Cause of Suspicion, by or on behalf of any of the several Companies of Goldsmiths or Guardians aforesaid, and upon the Oath of One or more credible Person or Persons (which Oath such Justice is hereby empowered and required to administer), to grant a Warrant under his Hand directed to any One or more of the Officers of any of the several Companies of Goldsmiths or Guardians aforesaid, together with any Constable or other Peace Officer named in such Warrant, authorizing and empowering such Officer of the said Companies respectively, and such Constable or other Peace Officer as aforesaid, with necessary and proper Assistance, to enter in the Day-time into any such House, Shop, or Place as aforesaid, or any other House, Shop, or Place of any such suspected Person, and to search the same, and to seize and take away every such forged or counterfeited Die or other Instrument, and every such Ware as aforesaid, which shall there be found; and all Constables and other Peace Officers shall and they are hereby required to be aiding and assisting in the Execution of every such Warrant as aforesaid; and every such forged and counterfeited Die or other Instrument, and every such Ware as aforesaid,

Upon Information given upon Oath against Persons suspected of having in possession illegal Wares, &c. Justices may grant Search Warrants.

Nothing herein to authorize the Search for or Seizure of Wares not required to be marked.

False Dies and Wares seized, how to be disposed of.

so there found, seized, and taken, shall and may be dealt with as herein-after is provided: Provided always, and it is hereby declared, that nothing in this Act contained shall authorize the Search for or Seizure of any Wares which by the Laws now in force are not required to be marked or stamped by any of the Companies of Goldsmiths or Guardians aforesaid, or any of the Wares following; namely, Watch Rings, Watch Keys, Watch Hooks, Earrings, Necklaces, Eye-glasses, Spectacles of Gold, Shirt Pins or Studs, Bracelets, Head Ornaments, Waist Buckles.

XII. And be it enacted, That every Die, Punch, or other Instrument which shall or may be lawfully seized or taken under this Act by the said Company of Goldsmiths in *London*, or by any of the several Companies of Goldsmiths or Guardians aforesaid, or by any Officer of any of the said Companies respectively, shall be broken, detained, and destroyed by such Company; and every such Ware so seized or taken as aforesaid, if it shall be shown to the Satisfaction of the Court or Justice or Justices before whom Proceedings shall be had in respect of such Ware that the same has been lawfully seized and taken under the Provisions of this Act, shall be broken and defaced; and in case it shall be shown to the Satisfaction of such Court or Justice or Justices that the Dealer from whom the same shall have been so seized or taken had such Ware in his Possession, knowing the same to be marked with a forged or counterfeit Die or other Instrument, or knowing the Mark thereupon to be forged, counterfeit, imitated, transferred, or removed, or knowing such Ware to have been altered, changed, or added to as aforesaid (the same or the Addition thereto not having been assayed or marked as required by this Act), or knowing such Ware to be of base Metal, then and in every such Case, and likewise in every Case in which such Ware has been seized or taken from any Officer of any Company of Goldsmiths or Guardians aforesaid as being of base Metal, and fraudulently marked, every such Ware so broken and defaced shall be melted and the Metal thereof shall be sold and disposed of, and the Produce thereof shall be entered in the Book of Account of Receipts and Payments relating to the Assay Office belonging to the said Company by whom or by whose Officer such Ware shall have been so seized or taken, and shall be applied towards defraying the general Expences of the Assay Office of such Company, and in the Prosecution of Offenders under this Act; and, save and except as aforesaid, every such Ware so seized and taken, or broken and defaced, shall be given back to the Dealer from whom it shall have been so seized and taken.

XIII. 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 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 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

Limitation of Actions.

Venue local.

Notice of Action.

General Issue.

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 Cost 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.

Tender of
Amends.

Costs.

XIV. And for the better Interpretation of this Act, and to avoid the frequent Use of divers Terms and Expressions, be it enacted, That the following Terms and Expressions shall have the several Interpretations herein-after respectively set forth; (that is to say,) the Term "base Metal" shall mean any Metal whatsoever other than Gold or Silver of the respective Standards required by Law; and the Term "Dealer in Gold or Silver Wares" shall mean and include every Goldsmith and Silversmith, and every Worker, Maker, and Manufacturer of and Trader and Dealer in Gold or Silver Wares; and the Term "Die" shall mean and include any Die, Plate, Tool, or Instrument whatever, by means whereof any Mark can or shall be made upon any Metal whatsoever; and the Term "Her Majesty" shall mean and include Her Majesty, Her Heirs and Successors; and the Term "Mark" shall mean and include any Mark, Stamp, or Impression of and made with any Die or other Instrument, or produced by any other Means whatsoever upon any Metal whatsoever; and the Term "Ware" shall mean and include any Plate, Vessel, Article, or Manufacture of any Metal whatsoever; and whenever in this Act, with reference to any Person or Matter or Thing, or to any Persons or Matters or Things, the Singular or Plural Number or the Masculine Gender only is expressed, such Expression shall be understood to include several Persons or Matters or Things as well as one Person or Matter or Thing, and one Person, Matter, or Thing as well as several Persons or Matters or Things, Females as well as Males, Bodies Politic or Corporate as well as Individuals, unless it be otherwise specially provided, or the Subject or Context be repugnant to such Construction.

Construction
and Interpretation
of Terms.

Base Metal.

Dealer.

Die.

Her Majesty.
Mark.

Ware.

XV. ' And whereas all Gold Wares of the Standard or Fineness of Twenty-two Carats of fine Gold in every Pound Troy assayed by any of the said Companies of Goldsmiths and Guardians are by certain Statutes now in force required to be marked with the

After 1st Oct.
1844 Gold
Wares of a certain
Standard
to be marked
with a Crow

and the Figures 22 instead of the Lion passant.

‘ same Mark as that with which all Silver Wares of the Standard or Fineness of Eleven Ounces and Two Pennyweights, assayed as aforesaid, are required to be marked, (that is to say,) with the Figure of the Lion passant, in order to denote the Standards thereof respectively, whereby great Facilities to Frauds are afforded, and extensive Frauds have been committed by Dealers in Gold and Silver Wares; and it is expedient that all Gold Wares of the Standard or Fineness aforesaid, and so assayed as aforesaid, should be marked by a different Mark, to denote the Standard thereof, from the Mark so used for the said Silver Wares as aforesaid;’ be it therefore enacted, That from and after the First Day of *October* One thousand eight hundred and forty-four there shall be struck or marked by the said Company of Goldsmiths in *London*, and by the several Companies of Goldsmiths in the Cities of *York*, *Exeter*, *Bristol*, *Chester*, and *Norwich*, and the Town of *Newcastle-upon-Tyne*, and the Company of Guardians of the Standard of wrought Plate in the Town of *Birmingham*, upon all Gold Wares of the Standard or Fineness of Twenty-two Carats of fine Gold in every Pound Troy, brought to them respectively to be assayed, the Mark of a Crown and the Figures 22, instead of the Mark of the Lion passant.

Extending the Powers, Penalties, and Provisions concerning the Marks formerly used to the Marks directed to be made use of by this Act.

XVI. And be it enacted, That the Rules, Directions, Powers, Privileges, Pains, Penalties, Forfeitures, Causes, Matters, and Things enacted or provided in and by any of the Laws and Statutes of this Realm now in force in relation to the Mark of the Lion passant on Gold Wares of the Standard or Fineness of Twenty-two Carats in the Pound Troy, and assayed as aforesaid, and also in relation to the Die used for making the said Mark of the Lion passant, shall extend to, and be continued, applied, practised, and put in execution in all Cases relating to the said Mark of a Crown and the Figures 22 hereby directed to be used for the Gold Wares aforesaid, and also relating to the said Die to be used for making the said Mark, as fully and effectually, to all Intents and Purposes, as if the same Rules, Directions, Powers, Privileges, Pains, Penalties, Forfeitures, Causes, Matters, and Things were again particularly repeated and enacted in and by the present Act, any thing in the Statutes now in force or any of them contained to the contrary notwithstanding.

Limitation of Act.

XVII. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*.

Commencement of Act.

XVIII. And be it enacted, That this Act shall come into operation on the First Day of *October* One thousand eight hundred and forty-four.

Act may be amended, &c.

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

C A P. XXIII.

2 & 3 Vict. c. 77. An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*.

[4th July 1844.]

C A P. XXIV.

An Act for abolishing the Offences of forestalling, regrating, and engrossing, and for repealing certain Statutes passed in restraint of Trade. [4th July 1844.]

WHEREAS divers Statutes have been from Time to Time made in the Parliaments of *England, Scotland, Great Britain, and Ireland* respectively prohibiting certain Dealings in Wares, Victuals, Merchandize, and various Commodities by the Names of badgering, forestalling, regrating, and engrossing, and subjecting to divers Punishments, Penalties, and Forfeitures Persons so dealing: And whereas it is expedient that such Statutes, as well as certain other Statutes made in hindrance and in restraint of Trade, be repealed: And whereas an Act of the Parliament of *Great Britain* was passed in the Twelfth Year of the Reign of King *George* the Third, intituled *An Act for repealing several Laws therein mentioned against Badgers, Engrossers, Forestallers, and Regraters, and for indemnifying Persons against Prosecutions for Offences committed against the said Acts*, whereby, after reciting that it had been found by Experience that the Restriction laid by several Statutes upon the dealing in Corn, Meal, Flour, Cattle, and sundry other Sorts of Victuals, by preventing a free Trade in the said Commodities, have a Tendency to discourage the Growth and to enhance the Price of the same, which Statutes, if put in execution, would bring great Distress upon the Inhabitants of many Parts of this Kingdom, and in particular upon those of the Cities of *London* and *Westminster*, sundry Acts therein mentioned, and all the Acts made for the better Enforcement of the same, were repealed, as being detrimental to the Supply of the labouring and manufacturing Poor of this Kingdom: And whereas, notwithstanding the making of the first-recited Act, Persons are still liable to be prosecuted for badgering, engrossing, forestalling, and regrating, as being Offences at Common Law, and also forbidden by divers Statutes made before the earliest of the Statutes thereby repealed: For Remedy thereof, and for the Extension of the same Remedy to *Scotland* and to *Ireland*, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act the several Offences of badgering, engrossing, forestalling, and regrating be utterly taken away and abolished, and that no Information, Indictment, Suit, or Prosecution shall lie either at Common Law or by virtue of any Statute, or be commenced or prosecuted against any Person for or by reason of any of the said Offences or supposed Offences.

12 G. 3. c. 71.

Offences of badgering, engrossing, forestalling, &c. abolished.

II. And be it enacted, That the several Acts and Parts of Acts made in the Parliaments of *England* and *Scotland, Great Britain* and *Ireland*, herein-after mentioned, shall be repealed, but not so as to revive any Act repealed by any of the Acts hereby repealed; (that is to say,)

Repeal of certain Acts and Parts of Acts.

The following Acts and Parts of Acts of the Parliament of England; to wit,

- 51 Hen. 3.
Judicium
Pilloria.
- So much of an Act passed in the Fifty-first Year of the Reign of King Henry the Third, intituled *A Statute of the Pillory and Tumbrel, and of the Assize of Bread and Ale*, as is now in force :
- 12 Edw. 2. c. 6.
- So much of an Act passed in the Twelfth Year of the Reign of King Edward the Second, intituled *No Officer of a City or Borough shall sell Wine or Victual during his Office*, as is now in force :
- Temp. Hen. 3.
Edw. 1.
Edw. 2. c. 7.
- So much of an Act passed in the Reign of King Henry the Third, King Edward the First, or King Edward the Second, intituled *The Punishment of a Butcher selling unwholesome Flesh*, as provides Punishment for a Butcher or Cook that buyeth Flesh of Jews and selleth the same unto Christians :
- c. 10.
- The whole of an Act passed in One of the Three last-mentioned Reigns, intituled *No Forestaller shall be suffered to dwell in any Town :*
- 23 Edw. 3. c. 6.
- The whole of an Act passed in the Twenty-third Year of the Reign of King Edward the Third, intituled *Victuals shall be sold at reasonable Prices :*
- 25 Edw. 3.
Stat. 4. c. 3.
- The whole of an Act passed in the Twenty-fifth Year of the same Reign, intituled *The Penalty of him that doth forestall Wares, Merchandize, or Victual :*
- 27 Edw. 3.
Stat. 1. c. 3.
Stat. 2. c. 11:
- So much of an Act passed in the Twenty-seventh of the same Reign, intituled *A Statute of Provisors*, as provides that Commissions shall be granted to inquire of Offenders contrary to the Statute of 23 Edw. 3. c. 6., and as enacts, "The Penalty for forestalling of Merchandizes before they come to the Staple :"
- 31 Edw. 3.
Stat. 2. Stat. 3.
- The whole of Two Acts passed in the Thirty-first Year of the same Reign, respectively intituled *The Statute of Herrings* and *Another Statute of Salt Fish :*
- 35 Edw. 3.
- The whole of an Act passed in the Thirty-fifth Year of the same Reign, intituled *An Ordinance of Herring :*
- 37 Edw. 3. c. 5.
- So much of an Act passed in the Thirty-seventh Year of the same Reign, intituled *Merchants shall not ingross Merchandizes to inhance the Prices of them, nor use but one Sort of Merchandize*, as is now in force :
- 37 Edw. 3. c. 15.
- The whole of an Act passed in the same Year, intituled *Clothiers shall make Cloths sufficient for the foresaid Prices, so that this Statute for default of such Cloths be in nowise infringed :*
- 2 Rich. 2.
Stat. 1. c. 2.
- The whole of an Act passed in the Second Year of the Reign of King Richard the Second, intituled *A Confirmation of the Statute of 25 Edw. 3. St. 4. c. 3. against Forestallers :*
- 13 Rich. 2.
Stat. 1. c. 8.
- So much of an Act passed in the Thirteenth Year of the same Reign, intituled *The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of the Peace, and they shall assess the Gains of Victuallers ; who shall make Home Bread, and the Weight and Price thereof*, as is now in force :
- 4 Hen. 4. c. 25.
- So much of an Act passed in the Fourth Year of the Reign of King Henry the Fourth, intituled *An Hostler shall not make Horse*

Horse Bread; how much he may take for Oats, as is now in force:

- So much of an Act passed in the Twenty-fifth Year of the Reign of King *Henry* the Eighth, intituled *Proclamations for the Prices of Victuals*, viz. the pricing of them and proclaiming the Prices, as is now in force: 25 Hen. 8. c. 2.
- So much of an Act passed in the Twenty-eighth Year of the same Reign, intituled *For Prices of Wines*, as is now in force, not relating to the gauging and measuring of Wine, Oils, Honey, or any other Liquors or Things: 28 Hen. 8. c. 14.
- So much of Two Acts passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *Edward* the Sixth, respectively intituled *An Act for buying and selling of rother Beasts and Cattle*, and *An Act for the buying and selling of Butter and Cheese*, as is now in force: 3 & 4 Edw. 6. c. 19. and c. 21.
- The whole of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the same Reign, intituled *An Act against Reqraters and Ingrossers of tanned Leather*, except the Prohibition of currying or dressing tanned Leather within the City of *London* and the Suburbs thereof as provided by the last-mentioned Act: 5 & 6 Edw. 6. c. 15.
- Also the following Acts of the Parliament of *Scotland*; to wit,
- An Act passed in the Year One thousand five hundred and three, intituled *Of Malt Makaris in Burrow Touns*: 1503. c. 38.
- An Act passed in the Year One thousand five hundred and thirty-five, intituled *Off Forstallaris*: 1535. c. 26.
- An Act passed in the Year One thousand five hundred and forty, intituled *For eschewing of Derth of Wittalis, Flesche, and Fysche*: 1540. c. 16.
- Also an Act of the same Year, intituled *For stanching of Derth and Prices of Wyne, Salt, and Tymmer*: c. 18.
- Also an Act of the same Year, intituled *Aentis Forstallaris*: c. 32.
- An Act passed in the Year One thousand five hundred and fifty-five, intituled *Aent the Disposition of Wyne, Salt, and Tymmer brocht into the Realme*: 1555. c. 35.
- An Act passed in the Year One thousand five hundred and seventy-nine, intituled *For Punishment of Reqrataris and Forstallaris*: 1579. c. 26.
- An Act passed in the Year One thousand five hundred and ninety-two, intituled *Aganis Foirstallaris and Reqrattaris*: 1592. c. 70.
- An Act passed in the Year One thousand six hundred and sixty-one, intituled *An Act for erecting of Manufactories*: 1661. c. 280.
- Also the following Acts and Parts of Acts of the Parliament of *Ireland*; to wit,
- The whole of an Act passed in the Fourth Year of the Reign of King *Edward* the Fourth, intituled *An Act against Engrossers and Reqraters of Corn*: 4 Edw. 4. c. 2.
- The whole of an Act passed in the Thirty-third Year of the Reign of King *Henry* the Eighth, intituled *An Act for Grey Merchants*, as revived and perpetuated by a subsequent Act passed in the Eleventh Year of the Reign of Queen *Elizabeth*, intituled *An Act for reviving the Statute against Grry Merchants, the Statute for Servants Wages, and the Statute of Jeofails*: 37 Hen. 8. c. 2. 11 Eliz. c. 4.

2 Ann. c. 15.

9 Ann. c. 7.

So much of an Act passed in the Second Year of the Reign of Queen *Anne*, intituled *An Act to prohibit Butchers from being Grazers, and to redress several Abuses in buying and selling of Cattle*, which Act is perpetuated by another Act made in the Ninth Year of the Reign of Queen *Anne*, as prohibits any Butcher from being a Grazier, or keeping in his Possession, or in trust for him, above Twenty Acres of Land, or from selling any Cattle to any other Butcher in *Dublin*, or within Five Miles thereof, or from keeping at Hay or Feed Oxen or other Cattle for above Ten Days, or from exposing for sale any Oxen or other Cattle within Twenty Miles of the Place where bought; and which prohibits any Person from selling or exposing for sale any Cattle or Sheep on the same Day when bought:

10 G. 1. c. 10. s. 1.

So much of an Act passed in the Tenth Year of the Reign of King *George* the First, intituled *An Act for regulating Abuses committed in buying and selling Cattle and Sheep in the several Markets of this Kingdom*, as prohibits Cattle from being bought within Six Miles of any Market:

15 G. 2. c. 9.

The whole of an Act passed in the Fifteenth Year of the Reign of King *George* the Second, intituled *An Act to explain and amend a Clause in an Act passed in the Second Year of the Reign of Queen Anne, intituled, 'An Act to prohibit Butchers from being Grazers, and to redress several Abuses in buying and selling of Cattle, and in slaughtering, and packing of Beef, Tallow, and Hides'*:

31 G. 2. c. 8.

The whole of an Act passed in the Thirty-first Year of the Reign of King *George* the Second, intituled *An Act to prohibit Salesmen from being Grazers, and to redress several Abuses in buying and selling Cattle or Meat*:

13 & 14 G. 3. c. 22.
s. 73.

So much of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of King *George* the Third, intituled *An Act for paving Streets within the City and County of the City of Dublin*, as authorizes a Market Jury to seize Provisions or Victuals in the Hands of any Forestaller, Regrater, or Engrosser:

27 G. 3. c. 46. s. 3.

So much of an Act passed in the Twenty-seventh Year of the Reign of King *George* the Third, intituled *An Act for establishing Market Juries in Cities*, as authorizes and empowers certain Market Juries to seize Provisions or Victuals found in the Hands of Forestallers, Regraters, and Engrossers.

Acts repealed as to G. B. by 12 G. 3. c. 71. to be so as to G. B. and I.

III. And be it enacted, That the several Acts and Parts of Acts which were repealed, as to *Great Britain*, by the first-recited Act of the Twelfth Year of the Reign of King *George* the Third, shall be taken, after the passing of this Act, to be repealed as to the United Kingdom of *Great Britain* and *Ireland*.

Nothing in this Act to apply to spreading false Rumours.

IV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to apply to the Offence of knowingly and fraudulently spreading or conspiring to spread any false Rumour, with Intent to enhance or decry the Price of any Goods or Merchandize, or to the Offence of preventing or endeavouring to prevent by Force or Threats any Goods, Wares, or Merchandize being brought to any Fair or Market, but that every such

such Offence may be inquired of, tried, and punished as if this Act had not been made.

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

C A P. XXV.

An Act to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass. * [4th July 1844.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to provide for the future Assimilation of the Duties upon Excise of Sweets or Made Wines, upon Mead and Metheglin, upon Vinegar, and upon Cyder and Perry, in Great Britain and Ireland, and to continue the Duty of Excise on Sweets or Made Wines in Great Britain until the Fifth Day of January One thousand eight hundred and twenty-six*, certain Duties of Excise were granted and made payable upon Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, brewed or made in any Part of the United Kingdom of Great Britain and Ireland for Sale: And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass*, certain Duties of Excise were granted on the fluxed Materials or Metal, or other Preparations made for the Purpose of making Flint Glass, and certain Drawbacks were allowed on Flint Glass for and in respect of which such last-mentioned Duties had been duly charged and which should be exported to Foreign Parts: And whereas it is expedient that the said Duties upon Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, should cease and determine, and that the said Duties and Drawbacks on Flint Glass should be repealed, and other Duties and Drawbacks in respect thereof should be granted and allowed in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all and singular the Duties of Excise now payable on Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, brewed or made in any Part of Great Britain or Ireland, shall cease and determine, and be no longer levied or collected, paid or payable; and the several Acts, Enactments, Clauses, Provisions, and Regulations for securing, levying, or collecting the Duties on Vinegar or Acetous Acid, or Liquors prepared or preparing for Vinegar or Acetous Acid, shall not, from and after the passing of this Act, be enforced or executed, save and except for the Purpose of recovering any Duties incurred or charged before the passing of this Act, or any Arrears thereof, or any Fine, Penalty, or For-

6 G. 4. c. 37.

1 & 2 Vict. c. 44.

After passing of this Act the Duties and Regulations for securing the Duty on Vinegar to cease, save as to any Arrear of Duty or Penalty.

* See ante, Cap. 16.

Commissioners of Treasury may remit certain of the Duties on Vinegar, &c. before the passing of this Act.

feiture for the Breach of any of the said Clauses, Enactments, Provisions, or Regulations committed previous to the passing of this Act, but all such Duties and Arrears, Fines, Penalties, and Forfeitures, shall and may be recovered, levied, enforced, and applied in the same Manner and by the same Powers and Authorities as if this Act had not been passed: Provided always, that it shall and may be lawful for the Commissioners of Her Majesty's Treasury to cancel and remit so much of the aforesaid Duties which shall have been charged on any Maker of Vinegar or Acetous Acid, not being Pyroligneous Acid, for Sale between the Fifth Day of *July* One thousand eight hundred and forty-three and the Day of the passing of this Act, as shall not exceed the Sum to which such Duties would amount if the same had been charged and made payable on the Stock of such Vinegar or Acetous Acid in the Hands of the Maker thereof, as taken by the proper Officer of Excise, on the First Day of *June* One thousand eight hundred and forty-four.

Vinegar Makers to take out Licences as heretofore.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend in any Manner to interfere with the Licences now required by Law to be taken out by Makers of Vinegar or Acetous Acid for Sale: and every Person who shall make, prepare, extract, distil, rectify, purify, or sell any Liquors prepared or capable of being used or applied to the Purposes of Vinegar or Acetous Acid made for Sale, not being a Dealer in, Retailer, or Seller of such Vinegar or Acetous Acid only, shall be deemed and taken to be a Vinegar Maker, and shall take out the Licence now required by Law in such respect, under the same Rules, Regulations, Provisions, Penalties, and Forfeitures as such Licences are now granted and held under.

Vinegar Makers to make Entry of their Premises and Utensils with the Excise.

III. Provided always, and be it enacted, That every such Maker of Vinegar or Acetous Acid for Sale as aforesaid shall make Entry by delivering a true and particular Account in Writing of every House, Building, Room, Place, Still, Vessel, and Utensil intended to be used by him for the making or keeping of any Vinegar or Acetous Acid for Sale, in such Form and Manner as directed by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland*, and by another Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise*, and by another Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise*, and shall in such respect be subject to all and singular the Rules, Regulations, Penalties, and Forfeitures by the said last-mentioned Acts imposed on Persons required to make Entry, and not making Entry, of any House, Building, or Place, Vessel or Utensil, required by any Act or Acts relating to the Revenue of Excise.

7 & 8 G. 4. c. 53.

4 & 5 W. 4. c. 51.

4 & 5 Vict. c. 20.

Vinegar Makers having Stills to

IV. Provided always, and be it enacted, That every such Maker of Vinegar or Acetous Acid for Sale as aforesaid who shall have

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possess, or use at or upon his or her entered Place or Places for making Vinegar, any Still for distilling, rectifying, or purifying Vinegar or Acetous Acid, or any Liquor or Materials prepared or preparing for making Vinegar or Acetous Acid, shall have and use such Still only under and subject to such Rules and Regulations as the Commissioners of Excise shall from Time to Time direct and order in such respect, on pain of forfeiting One hundred Pounds.

V. And be it enacted, That from and after the Fifth Day of *July* One thousand eight hundred and forty-four the Duties and Drawbacks now payable on Flint Glass shall cease and determine, and be no longer paid or payable, save and except as to any Arrear of such Duties which shall have been charged or become due, or any Penalty or Forfeiture which shall have been incurred by the Commission of any Offence in respect thereof under the Laws of Excise, or the Payment of any Drawback which shall become payable in respect of any Flint Glass exported before the said Fifth Day of *July* One thousand eight hundred and forty-four; and that in lieu of the said Duties there shall be raised, levied, collected, and paid throughout the United Kingdom the Rates and Duties of Excise herein-after mentioned; (that is to say,) for every One hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of the fluxed Materials or Metal or other Preparations whatever, by what Name soever the same may be called or known, which shall be made for the Purpose of making Flint Glass, the Sum of Two Shillings and Sixpence, and Five *per Centum* additional thereon; and that in lieu of the said Drawbacks there shall be allowed and paid the following Drawback; (that is to say,) for every One hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of Flint Glass, for or in respect of which, or of the Materials, Metal, or other Preparation from which the same shall have been made, all Excise Duties payable thereon shall have been duly charged, and which shall be exported to Foreign Parts, the Sum of Six Shillings and Three-pence, and Five *per Centum* additional thereon.

VI. And be it enacted, That the said Duties and Drawbacks on Flint Glass by this Act granted and allowed shall be under the Management of the Commissioners of Excise, and shall be charged, raised, levied, sued for, collected, and applied, allowed and paid, and accounted for in the same Manner as other Duties and Drawbacks under the Management of the said Commissioners under the Provisions of this Act, and the general or special Provisions, Clauses, Enactments, Regulations, Pains, Penalties, and Forfeitures contained in any Act or Acts relating to the Collection and Management of the Revenue of Excise.

VII. And whereas by an Act passed in the First and Second Years of the Reign of Her said Majesty, intituled *An Act to consolidate and amend the Laws for collecting and securing the Duties of Excise on Glass*, it is enacted, with reference to the Account or Return directed by that Act to be made out as a Charge of Duty on every Maker of Glass, "that for making out the said Account or Return in respect to Flint Glass an Account shall at the End of every Round or Period of Six Weeks be taken

use them only subject to such Rules as Excise Commissioners direct.

From 5th July 1844 the present Duties and Drawbacks on Flint Glass to cease;

other Duties and Drawbacks granted and allowed in lieu thereof.

New Duties and Drawbacks to be under the Management of the Commissioners of Excise.

For making the Charge on Flint Glass an Account to be made out at the End of each Six Weeks of the whole Quantity of Glass charged with Duty, r³

of the whole Weight of Glass weighed within such Period; and, in lieu of Two-pence charged by 1 & 2 Vict. c. 44., Three Farthings per Pound additional to be charged on all Excess above Forty per Centum.

‘ taken and made out by the Officer of Excise of the whole Quantity of Flint Glass for or in respect of which any Maker of Flint Glass shall have been charged with Duty upon the fluxed Materials or Metal or other Preparations from which such Flint Glass as aforesaid shall have been made, after Deduction of the gauged Weight of all fluxed Materials, Metal, or other Preparations taken account of by the Officer, and laded out of the Pot, according to the Provisions of this Act, and of the whole Weight of manufactured Flint Glass and Glass Wares weighed by such Maker of Flint Glass within such Round or Period of Six Weeks as aforesaid; and if upon such Account being taken and made out as aforesaid the Weight of such manufactured Flint Glass and Glass Wares as aforesaid shall exceed the Quantity of such Flint Glass as aforesaid with which such Maker of Flint Glass shall have been so charged with Duty after such Deduction as aforesaid, by any Quantity greater than the Quantity of Forty per Centum of or upon the whole Quantity of such Flint Glass as last aforesaid, such Maker of Flint Glass shall be charged with and pay the Duty of Two-pence per Pound upon each and every Pound Weight of such Excess, over and above any Duty which such Maker of Flint Glass shall have paid or may have been charged with upon the fluxed Materials or Metal or other Preparations from which such Glass as aforesaid shall have been made:” And whereas by the Reduction and Alteration of the Duties on Flint Glass by this Act it is necessary to amend the above-mentioned Clause;’ be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four every Maker of Flint Glass shall be charged with and pay the Duty of Three Farthings and Five per Centum thereon, instead of Two-pence per Pound and Five per Centum thereon imposed by an Act passed in the Third Year of the Reign of Her said Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, upon each and every Pound Weight of such Excess, as in the said Act of the First and Second Years of Her said Majesty is mentioned.

3 & 4 Vict. c. 17.

The Regulation of 1 & 2 Vict. c. 44., that no Drawback be allowed on Glass not worth Five-pence per Pound, exclusive of the Duty, repealed as to Flint Glass.

VIII. ‘ And whereas by the said Act of the First and Second Years of the Reign of Her said Majesty it is further enacted, “ that no Drawback shall be allowed or payable on Chandelier or ornamental Drops of less Weight than One Ounce each, nor on any Glass Buttons or Glass Beads, nor on any Flint Glass Goods or Wares which shall not be good, fair, and merchantable Articles, perfectly manufactured of Metal, fully and properly fluxed or fused and finished, by all rough, waste, and useless Parts being removed therefrom, and of such Quality as to be worth at least Five-pence per Pound, exclusive of the Duty, if made for or if the same had been made into Articles for Home Consumption, and which shall not have been previously in use;” be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four so much of the said recited Act as requires, for the Purpose of obtaining a Drawback, that any Flint Glass Goods or Wares shall be of such Quality as to be worth at least Five-pence per Pound, exclusive of the Duty, shall be repealed.

IX. 'And whereas by the said Act of the First and Second Years of the Reign of Her said Majesty it is further enacted, "that it shall not be lawful for any Maker of Flint Glass, or any other Person, to open or flatten out any Shade or Cylinder made of white or uncoloured Flint Glass, except as herein-after provided, on pain of forfeiting all Flint Glass so opened or flattened out, and One hundred Pounds: Provided always, that Makers of Flint Glass may open out and flatten Cylinders of white or uncoloured Glass into Plates, such Plates, when opened and flattened out, not being of less Thickness than Two Tenth Parts of an Inch, nor of greater Dimensions than Fourteen Inches square;" be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four so much of the said Act as is above recited shall be repealed.

X. And be it enacted, That from and after the said Fifth Day of *July* One thousand eight hundred and forty-four it shall not be lawful for any Maker of Flint Glass, or any other Person, to open or flatten out any Shade or Cylinder, whether made of coloured or uncoloured Flint Glass, or to cast or press or otherwise manufacture any Flint Glass into Panes or Plates which shall be of the Dimensions of Six Inches in Length by Four Inches in Breadth, or which shall exceed such Dimensions either in Length or in Breadth, on pain of forfeiting all such Flint Glass, and the Penalty of One hundred Pounds, for every such Offence: Provided always, that nothing herein contained shall be deemed or construed to prevent any Maker of Flint Glass or other Person from manufacturing Flint Glass into Lenses, or into Prisms for Deck Lights, or Illuminators for Lanterns, or Finger Plates for Doors, as such Articles are commonly now so called and manufactured by Makers of Flint Glass, provided the same are not manufactured by the opening or flattening of any Shade or Cylinder of such Glass.

XI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to affect a certain Provision contained in the said Act of the First and Second Years of Her said Majesty, whereby it is enacted that it shall be lawful for the Lords Commissioners of Her Majesty's Treasury from Time to Time to dispense with or alter the whole or any Part of the said Regulations, or to remit the whole or any Part of the Duty, and to prescribe such other Conditions and Securities as they may judge necessary or expedient, for the Improvement or better Preparation and Selection of Glass fitted for the Purposes of Optical Instruments or for the Purposes of Science.

XII. 'And whereas it is expedient that Provision should be made for allowing the Makers of Flint Glass to make and store Glass not to be sold or sent into Consumption until after the said Fifth Day of *July* One thousand eight hundred and forty-four, when the Duty now payable on Flint Glass is to cease and determine, and the new Duty hereby imposed is to commence and take effect;' be it therefore enacted, That every Maker of Flint Glass who shall intend to make any Flint Glass Wares or Commodities, not to be sold or sent into Consumption before the Sixth Day of *July* One thousand eight hundred and forty-four, shall give Three Hours previous Notice of such his Intention in Writing to the proper Officer of Excise, before storing any such Glass, and in

The Enactment of 1 & 2 Vict. c. 44., that Shades of uncoloured Flint Glass shall not be flattened out except as thereby allowed, repealed.

Flint Glass Maker not to flatten out any Shade, nor cast or press any Flint Glass into Panes or Plates of the Dimensions of Six Inches by Four.

Nothing herein to affect the Provision 1 & 2 Vict. c. 44. s. 92.

Makers of Flint Glass enabled to make and store Glass not to be sold or consumed before the Time appointed for the Duty now payable to cease.

such

such Notice shall specify some separate and secure Room or Store, to be approved of by the Commissioners of Excise or their Officers, for the keeping therein of all such Flint Glass Wares and Commodities as are intended to be so stored; and such Maker of Flint Glass may from Time to Time, when giving Notice for charging the Pots in his Glass House, also give like Notice in Writing to the proper Officer of Excise that all the Flint Glass to be made in that Journey is Flint Glass not to be sold or sent into Consumption until after the Fifth Day of *July* One thousand eight hundred and forty-four, and that he is desirous of storing the same, and all such Glass shall be made under the Regulations and shall be charged with the Duties now in force; and as often as any Notice for weighing such Glass shall be given the Officer of Excise, having received such Notice, shall attend and weigh and take an Account of all such Glass in the Weighing Room, and such Account having been taken all such Glass shall be forthwith removed into the Re-weighing Room, there to remain for the Time required by Law, and shall then be deposited and stored in the separate Room or Store approved of by the Commissioners of Excise or their Officers, under the Locks and Keys of the Officers of Excise, and otherwise secured in such Manner as the Commissioners of Excise shall direct; and all such Flint Glass shall be kept so stored and secured until on or after the Sixth Day of *July* One thousand eight hundred and forty-four, on which Day the proper Officers of Excise shall weigh and take an Account of all the said Glass which shall have been so stored and secured as aforesaid; and if upon such Account the whole Quantity of Glass shall be found in the Stock of the Maker thereof stored and secured as aforesaid, and the Officers of Excise shall be satisfied that it is the same Glass which was so made, and that no Part thereof has been sent into Consumption, or any Addition made thereto, or any Alteration therein, the Commissioners of Excise are hereby authorized and empowered to allow to the respective Makers of such Glass the Difference in the Charge of Duty now payable on Flint Glass and the Duty hereby imposed, and to deliver the said Glass to the Makers thereof on the Charge and Payment of the Duty by this Act made payable.

Glass may be taken out of Store before 6th July, Notice being given, on Payment of full Duty.

XIII. Provided always, and, be it enacted, That in case any Maker of Flint Glass shall be desirous of taking out any Glass so stored for Consumption before the said Sixth Day of *July*, it shall be lawful for such Maker to give Three Hours previous Notice in Writing to the Officer of Excise, specifying in such Notice the Hour when such Glass is to be taken out, and the Quantity of such Glass so required to be taken out, such Quantity not being less than One Hundred Weight; and the Officer of Excise having received such Notice shall attend, and take an Account of and weigh the Quantity of Glass specified in such Notice, and shall deliver the same to the Maker thereof; and on all such Glass so delivered out before the said Sixth Day of *July* the full Duty of Excise of Two-pence *per* Pound and Five *per Centum* thereon, now payable, shall be paid: Provided also, that not more than One such Notice shall be given on the same Day, and that for such a Time only, between the Hours of Six of the Clock in the Morning and Six of the Clock in the Evening, as that such weighing and Delivery may be completed between the Hours mentioned.

XIV. And be it enacted, That if any Flint Glass which shall be made under the Regulations aforesaid as not to be sent into Consumption until after the said Fifth Day of *July* One thousand eight hundred and forty-four shall not at any Time previous thereto be so stored and secured in such separate and secure Room or Store approved of by the Commissioners of Excise or their Officers, or if any such Maker of Flint Glass shall open or procure to be opened any such Room or Store, or injure any of the Locks, Keys, or Fastenings thereof, or remove or cause or procure to be removed any Flint Glass from or out of the same, or shall send out or deliver any such Flint Glass so made to be stored, except under such Notice as is herein-before provided, or if on the said Sixth Day of *July* One thousand eight hundred and forty-four, or at any Time previous thereto, the Officers of Excise shall not find all such Flint Glass so stored and secured and unaltered, except as aforesaid, or if any such Maker of Flint Glass shall use or practise any Art or Device to deceive any Officer of Excise in taking an Account of such Flint Glass, or of any Part of his Stock, or to remove any Part of such Flint Glass, or to evade any Part of the Duty on Flint Glass with which previous to the said Sixth Day of *July* One thousand eight hundred and forty-four he might or would be chargeable, or to obtain any greater Allowance under the Regulations aforesaid than he shall be entitled to, then and in every such Case the Flint Glass Maker so offending shall forfeit all Claim to any such Allowance as aforesaid, and shall pay all the full Duties now charged on such Glass, together with any Penalty or Penalties or Forfeitures which he may thereby incur under any of the Laws of Excise.

Makers of Flint Glass not securing or fraudulently removing Glass so intended to be stored liable to full Duty, together with Penalties.

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

Act may be amended, &c.

C A P. XXVI.

An Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade. [4th *July* 1844.]

WHEREAS an Act was passed in the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King *William* the Fourth and in the First Year of the Reign of Her Majesty, intituled *An Act to authorize Her Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade*: And whereas the said Act was revived and continued by an Act passed in the last Session of Parliament: And whereas Her Majesty is at the present Time engaged in Negotiation with certain Foreign Powers for the Purpose of concluding with them such Treaties or Conventions or additional Stipulations: And whereas it may happen that during the Time when Parliament is not sitting some such Treaties or Conventions or additional Stipulations may be concluded, or having previously been concluded, may at that Time be ratified, or having been

7 W. 4. &
1 Vict. c. 62.

previously

' previously ratified, the Ratifications thereof may at that Time be
 ' exchanged, or having been exchanged at some Spot in Foreign
 ' Parts, the Ratification of such Treaty by the Foreign State may
 ' at that Time arrive in this Country, or such Treaties, Con-
 ' ventions, or Stipulations, or Ratifications thereof, may arrive in this
 ' Country within so short a Period before the Prorogation of
 ' Parliament as may not allow the passing of any Act or Acts
 ' of Parliament before the Close of the Session authorizing Her
 ' Majesty to carry such Treaties or Conventions or additional
 ' Stipulations into immediate Execution: And whereas in such
 ' Case Delay would take place in carrying into execution the
 ' Stipulations of such Treaties or Conventions or additional Sti-
 ' pulations, and much Crime might be perpetrated during the
 ' Interval that might elapse between the Ratification of such
 ' Treaties or Conventions or Stipulations and the Time when Par-
 ' liament might pass Acts authorizing the Crown to carry the
 ' same into execution: And whereas it is expedient that Her
 ' Majesty should from and after the passing of this Act be em-
 ' powered to carry such Treaties into immediate Execution: Be
 it therefore enacted by the Queen's most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled,
 and by the Authority of the same, That it shall be lawful for Her
 Majesty, at all Times hereafter, by any Order or Orders in Council,
 to direct that such Treaties or Conventions, and all Stipulations
 contained therein, and also all additional Stipulations to any former
 Treaties or Conventions which Her Majesty may have concluded
 or may hereafter conclude with any Foreign Power or State for
 the more effectual Suppression of the Slave Trade, shall be carried
 into immediate Execution, and for that Purpose to declare and
 direct, in such Orders of Council, that all Searches, Examinations,
 Detentions, Seizures, Condemnations, and Sales of Ships and
 Vessels detained, seized, or captured for any Violations of the
 Provisions of any such Treaties, Conventions, or Stipulations, shall
 be legal, and also by any such Order or Orders in Council to
 establish Tribunals for the trying and deciding all Questions which
 may arise under such Treaties, Conventions, or Stipulations, and
 for the Condemnation of any such Vessels as aforesaid, and for
 punishing the Violation of any such Treaties, Conventions, or
 Stipulations, and for adjudging and enforcing the Payment of any
 Penalties for any such Violation, or to authorize any Tribunal
 which may have been heretofore established to act in relation to
 the enforcing such Treaties, Conventions, or Stipulations aforesaid,
 and also to authorize the Payment of such Bounties as are allowed
 in any Act or Acts of Parliament now in force or which may here-
 after be passed in relation to any such Bounties for the Suppres-
 sion of the Slave Trade to the Persons detaining, seizing, or cap-
 turing any such Vessels; and it shall be lawful for Her Majesty in
 any such Order or Orders in Council to declare that all Clauses
 and Provisions, Powers and Authorities, contained in and all
 Penalties and Forfeitures imposed by any Act or Acts of Parlia-
 ment now in force or which may be passed in this Session of
 Parliament, for the carrying into execution or giving effect to
 any Treaty, Convention, or Stipulation heretofore or which may

Her Majesty
 empowered to
 direct, by Orders
 in Council, that
 all Treaties, &c.
 concluded with
 Foreign Powers
 for the Suppres-
 sion of the
 Slave Trade
 shall be carried
 into immediate
 Execution.

hereafter

hereafter be made with any Foreign Power or State, or in any other Act or Acts of Parliament in force for the Suppression of the Slave Trade, as shall be specified or referred to in such Order or Orders in Council, shall be applied and put in force for the Purpose of carrying into immediate Execution any such Treaty, Convention, or additional Stipulation; and upon the issuing of any such Order or Orders in Council all the Directions, Powers, and Authorities contained therein, and all Clauses, Provisions, Powers, Authorities, Penalties, and Forfeitures referred to in any such Order or Orders, and contained in any such Act or Acts of Parliament, shall have the same and like Force and Effect, and all Acts, Matters, and Things done under the Authority thereof, and all Acts and Judgments of any Tribunals under the same, shall be valid and effectual, as fully, to all Intents and Purposes, as if the same had been enacted in or done under the Authority of an Act of Parliament; and each Order of Her Majesty in Council so issued under Authority of this Act shall continue in full Force and Effect until Six Months after the Commencement of that Session of Parliament which shall ensue next after the Date of the said Order or Orders in Council respectively.

C A P. XXVII.

An Act to explain and amend an Act of the last Session of Parliament, intituled *An Act for extending to Ireland the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King William the Fourth, intituled 'An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto;'* and to explain and amend the said Act. [4th July 1844.]

‘ **W**HEREAS an Act was passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for extending to Ireland the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King William the Fourth, intituled 'An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto;'* and to explain and amend the said Act: And whereas by the said recited Act it was enacted, that from and after the First Day of *January* One thousand eight hundred and forty-four the several Clauses and Enactments in the said Act of the Third and Fourth Years of the Reign of the late King *William* the Fourth contained, and therein-before recited, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice (except as therein is excepted), should extend and apply to *Ireland*, and that as fully and effectually as if the same Clauses and Enactments were there repeated, substituting for the Date of the First Day of *December* One thousand eight hundred and thirty-three, therein mentioned, the said Date of the First Day of *January* One thousand eight hundred and

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6 & 7 Vict. c. 54

‘ and forty-four : And whereas it was by the said recited Act provided and enacted, that the said recited Act should not be prejudicial to or available for any Plaintiff or Defendant in any other Action or Suit then already commenced, or on or before the First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland* : And whereas Doubts have arisen as to whether under the said herein-before recited Provision the Time therein adverted to for limiting any Action or Suit relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland* was to expire on the First Day of *January* One thousand eight hundred and forty-four, or on the First Day of *January* One thousand eight hundred and forty-five : And whereas it is necessary to remove such Doubts, and to explain and amend the said herein-before recited Provisions of the said recited Act, and to further amend the said recited Act : Be it therefore declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall not be prejudicial to or available for any Plaintiff or Defendant in any Action or Suit already commenced, or on or before the said First Day of *January* One thousand eight hundred and forty-five to be commenced, relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland*.

Recited Act not to affect any Action, &c. commenced before 1st Jan. 1845 relating to any Right to Presentation.

Where Actions within prescribed Limits are abated by Deaths of Parties new Actions may be commenced.

II. And be it enacted by the Authority aforesaid, That if and when any Action or Suit relating to any Right to present to or bestow any Church, Vicarage, or other Ecclesiastical Benefice in *Ireland* already commenced, or which shall hereafter be commenced within the Limitations prescribed by the said recited Act or this Act, shall become abated by the Death or Marriage of any Party thereto, it shall and may be lawful to and for the Plaintiff or Plaintiffs therein, or the Heir at Law or the personal Representative of the Plaintiff or Plaintiffs therein, according to the alleged Estate or Title of such Plaintiff or Plaintiffs in respect of the Subject Matter of said Actions or Suits, or for the Person or Persons claiming to be entitled in remainder or reversion expectant upon the Estate of such Plaintiff or Plaintiffs to the Right to present to or bestow the Church, Vicarage, or other Ecclesiastical Benefice in *Ireland* for which such Action or Suit shall have been so commenced, to bring a new Action to enforce his, her, or their Right to present to or bestow such Church, Vicarage, or other Ecclesiastical Benefice in *Ireland*, provided such new Action shall be commenced within Twelve Calendar Months from the Abatement of such preceding Action or Suit, any thing in the said recited Acts or either of them or in this Act contained notwithstanding.

C A P. XXVIII.

An Act for granting to Her Majesty, until the Fifth Day of July One thousand eight hundred and forty-five, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four. [4th July 1844.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain and Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expences, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties herein-after mentioned, and therefore do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties imposed on Sugar and Molasses by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for granting to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-seven, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-six*, and by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties of Customs, Excise, and Assessed Taxes*, shall be further continued until the Tenth Day of *November* One thousand eight hundred and forty-four; and that from and after that Date until the Fifth Day of *July* One thousand eight hundred and forty-five, in lieu of the Duties now payable and hereby continued thereon, there shall be charged the Duties of Customs following; that is to say,

Duties imposed by 6 & 7 W. 4. c. 26. and 3 & 4 Vict. c. 17. continued till 10th Nov. 1844.

Duties from 10th Nov. 1844 to 5th July 1845.

Sugar; <i>videlicet</i> ,	£	s.	d.
Brown or Muscovado or Clayed Sugar, not being refined, the Cwt. - - - - -	3	3	0
The Growth of any <i>British</i> Possession in <i>America</i> , and imported from thence, the Cwt. - - - - -	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 is prohibited, and imported from thence, the Cwt. - - - - -	1	4	0
The Growth of any other <i>British</i> Possession within those Limits, and imported from thence, the Cwt. - - - - -	1	12	0

And on Sugar which shall be certified as herein-after is mentioned to be the Growth of *China*, *Java*, or *Manilla*, or of any other Foreign Country, the Sugar of which Her Majesty in Council shall have declared in manner herein-after mentioned to be admissible as not being the Produce of Slave Labour, and which

shall be imported into the United Kingdom either £ s. d.
from the Country of its Growth or from some
British Possession, having first been imported into
such *British Possession* from the Country of its
Growth, the following Duties; namely,

Brown, Muscovado, or Clayed, the Cwt.	-	1	14	0
Molasses, the Cwt.	-	1	3	9
The Produce of and imported from any <i>British</i>				
Possession, the Cwt.	-	0	9	0
Sugar, refined, the Cwt.	-	8	8	0
Candy, Brown, the Cwt.	-	5	12	0
White, the Cwt.	-	8	8	0

And so in proportion for any greater or less Quantity than a Hundred Weight, together with an additional Duty of Five *per Centum* on such aforesaid Rates of Duty.

Collection of
Duties.

II. And be it enacted, That the Duties hereby continued shall be collected, paid, and accounted for in such and the like Manner as if the said Duties had been continued to the Fifth Day of July One thousand eight hundred and forty-five, and that the said Duty of One Pound Fourteen Shillings *per* Hundred Weight, with Five *per Centum* additional as aforesaid, shall be collected, paid, and accounted for in such and the like Manner as the said Duties hereby continued.

Power to Her
Majesty by
Order in Council to declare
the Sugars of
other Countries
to be admissible
as not being
the Produce of
Slave Labour.

III. And be it enacted, That from and after the Tenth Day of November One thousand eight hundred and forty-four it shall and may be lawful for Her Majesty and She is hereby empowered, from Time to Time, by any Order or Orders in Council, to declare, with respect to any Foreign Country or Countries, that it having appeared to Her Majesty, upon sufficient Evidence, that the Sugars of such Country or Countries are not the Produce of Slave Labour, such Sugars shall (from and after a Day to be named in such Order) be deemed and taken not to be the Produce of Slave Labour; and from and after the Day so to be named in such Order the Brown, Muscovado, or Clayed Sugar (not being refined) of the Country or Countries mentioned in such Order shall be admissible to Entry for Home Consumption at the said Duty of One Pound Fourteen Shillings *per* Hundred Weight, with Five *per Centum* additional as aforesaid.

Certificates and
Declarations
required.

IV. And be it enacted, That no Sugar shall be admissible to Entry for Home Consumption at the said Duty of One Pound Fourteen Shillings *per* Hundred Weight, with Five *per Centum* additional as aforesaid, unless the Master of the Ship importing the same shall have delivered to the Collector or Comptroller at the Port of Importation such Certificate or Certificates as herein-after mentioned, nor unless such Master shall also make and subscribe a Declaration before such Collector or Comptroller that such Certificate or Certificates was or were 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.

Certificate re-
quired in respect
of Sugar from
China, &c.

V. And be it enacted, That in case such Sugar shall be imported from *China, Java, or Manilla*, or from any other of the Countries named in such Order in Council as herein-before is mentioned, the Certificate so to be given to the Collector or Comptroller at the Port of Importation shall be under the Hand and Seal of the

British

British Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty, at the Place where such Sugar was taken on board, and shall certify that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar, that the same was really and *bonâ fide* the Growth of the Country in which the same was so taken on board, and shall also certify that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true.

VI. And be it enacted, That in case such Sugar shall be imported from any *British* Possession abroad, the Master of the Vessel importing the same shall deliver to the Collector or Comptroller at the Port of Importation, firstly, a Certificate under the Hand and Seal of the principal Officer of Customs at the Place where the same was taken on board, certifying that a Declaration in Writing had been made and signed before such principal Officer by the Shipper of such Sugar that the same was really and *bonâ fide* the Growth of *China, Java, or Manilla*, or of some other of the Countries named in such Order in Council as herein-before is mentioned, and had been imported thence into such *British* Possession abroad as aforesaid, and also certifying that such principal Officer of Customs had examined the Contents of such Declaration, and believed the same to be true; secondly, a Certificate under the Hand and Seal of the *British* Consul, Vice Consul, Consular Agent, or other Officer appointed in that Behalf by Her Majesty (if any such there be), at the Place whence such Sugar shall have been imported into such *British* Possession abroad, certifying that a Declaration in Writing had been made and signed before such Consul, Vice Consul, Consular Agent, or other Officer, by the Shipper of such Sugar from such Place, that the same was really and *bonâ fide* the Produce of the Country from whence the same shall have been so imported into such *British* Possession abroad, and also certifying that such Consul, Vice Consul, Consular Agent, or other Officer had examined the Contents of such Declaration, and believed the same to be true: Provided always, that in case such Sugar shall be imported into the United Kingdom from any *British* Possession abroad, being Part of the Territories of the *East India* Company, the Certificate and Declaration hereby required to be given and received by the principal Officer of Customs may be respectively given and received by any Officer appointed for that Purpose by the respective Governments of such Territories.

VII. And be it enacted, That with regard to Sugar the Growth of any Foreign Country, between which Country and Her Majesty there is now subsisting any Treaty or Convention binding Her Majesty to grant to such Country, either conditionally or unconditionally, the Privileges of the most favoured Nation, or to permit, either conditionally or unconditionally, the Produce of such Country to be imported into the United Kingdom at the same Duties as are imposed upon the like Produce of any other Country, it shall be lawful for Her Majesty and She is hereby empowered from Time to Time, by any Order or Orders in Council, to declare that from and after a Day to be named in such Order, not earlier than

Certificate required in respect of such Sugar if imported from *British* Possessions abroad.

Power to Her Majesty by Order in Council to declare that the Sugars of Countries with which Her Majesty has Treaties of Reciprocity as to Duties to be admissible at 34s. per Cwt., and 5 per Cent additional.

the Tenth Day of *November* One thousand eight hundred and forty-four, Brown, Muscovado, or Clayed Sugars (not being refined) the Growth of such Country, in case such Treaty shall after the said Tenth Day of *November* continue to subsist, shall, if imported from such Country, or from any *British* Possession abroad, having been imported into such *British* Possession from such Country, be admitted to Entry for Consumption in the United Kingdom at the aforesaid Rate of Duty of One Pound Fourteen Shillings *per* Hundred Weight, and Five *per Centus* additional as aforesaid; and from and after the Day so to be named in such Order the Sugars therein mentioned shall, if so imported as aforesaid, be so admitted accordingly, subject nevertheless to the Production of the like Certificates, and the making of the like Declaration, as are herein-before required with respect to Sugars the Growth of *China, Java, or Manilla.*

If such Treaty be conditional, Order to state Fulfilment.

VIII. And be it enacted, That in case the Privileges granted by any Treaty to any Foreign Country in respect of which any Order in Council shall be issued under the Enactment lastly herein-before contained shall have been granted conditionally, such Order shall expressly declare that such Foreign Country hath duly fulfilled the said Conditions, and is entitled to the said Privilege.

Bounties on certain Descriptions of refined Sugar.
3 & 4 W. 4. c. 58.

IX. And be it enacted, That the respective Bounties now payable on Sugar by an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His said late Majesty, intituled *An Act to grant certain Bounties and Allowances of Customs*, and also by an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty, until the Fifth Day of July One thousand eight hundred and thirty-nine, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-eight*, shall continue to be allowed and paid so long as the Duties on the Importation of Sugar imposed by the said first-recited Act shall remain in force, or be further continued by any Act hereafter to be passed.

1 & 2 Vict. c. 33.

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

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

Revoking Order in Council.

XI. And be it enacted, That it shall be lawful for Her Majesty, by an Order in Council, from Time to Time to revoke or alter any Order in Council previously made under the Authority of this Act.

Publishing Order.

XII. And be it enacted, That every Order in Council to be made under the Authority of this Act shall, as soon as may be after

after the making thereof by Her Majesty in Council, be published in the *London Gazette*.

XIII. And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Copies of Order in Council to be laid before Parliament.

XIV. And be it enacted, That a distinct and separate Account shall be kept in the Office of the Comptroller General of the Receipt and Issue of Her Majesty's Exchequer at *Westminster*, of all the Money that shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England* from so much of the said Duties hereby granted on Sugar as shall arise and be payable in *Great Britain*, and it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer in *Ireland*, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Separate Accounts to be kept in the Exchequer of the Duties arising in Great Britain.

Duties arising in Ireland to be paid into the Exchequer there.

XV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury at any Time or Times to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at Westminster*, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills*.

The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l*.

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

XVI. And be it enacted, That all and every the Clauses, Provisions, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts passed in the Forty-eighth Year of the Reign of King *George* the Third, and in the Fourth and Fifth Years of the Reign of His said late Majesty, and in the Fifth and Sixth Years of the Reign of Her present Majesty, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisions had been particularly repeated and re-enacted in the Body of this Act.

Powers of recited Acts extended to this Act.

XVII. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear an Interest not exceeding the

Exchequer Bills to bear an Interest.

the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

XVIII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, by placing to the Account of Her Majesty's Exchequer at the Bank of *England*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.*

Bills to be delivered to the Bank of England as Security for Advances.

XIX. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the public Service may require, as Security for the Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Exchequer Bills to be charged on the Duties granted by this Act.

XX. And be it enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Duties granted by this Act; and it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time to direct to be issued to the Paymasters of Exchequer Bills, by way of Imprest and upon Account, such Sums of Money, and at such Periods, as the said Commissioners shall think necessary, for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them, and for and towards paying the Interest to become due on the said Bills or any of them.

Money due to be paid out of next Aids.

XXI. And be it enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the Fifth Day of *July* One thousand eight hundred and forty-five.

Surplus Monies to be carried to Consolidated Fund.

XXII. And be it enacted, That the Surplus of the Monies arising from the Duties granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, shall, as a Surplus of any such Monies respectively, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Treasury to allow necessary Charges of making forth new Exchequer Bills.

XXIII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to pay and allow or cause to be paid and allowed out of the Monies to arise of or from the said Duties hereby granted, or of or from the said

Consolidated Fund, from Time to Time, the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident to or for Execution of this Act, or any Part thereof, in relation to the said Bills, any thing herein contained to the contrary notwithstanding.

XXIV. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament, any thing herein contained to the contrary notwithstanding. Monies issued to be replaced out of first Supplies.

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

C A P. XXIX.

An Act to extend an Act of the Ninth Year of King *George* the Fourth, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game.

[4th July 1844.]

‘ **W**HEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of His Majesty King *George* the Fourth, intituled
 ‘ *An Act for the more effectual Prevention of Persons going* 9 G. 4. c. 69.
 ‘ *armed by Night for the Destruction of Game*, whereby it is
 ‘ enacted, that if any Person shall, after the passing of the said
 ‘ Act, by Night, unlawfully take or destroy any Game or Rabbits
 ‘ in any Land, whether open or inclosed, such Offender should,
 ‘ upon Conviction thereof before Two Justices of the Peace, be
 ‘ liable to be punished, and to find Security for good Behaviour,
 ‘ as in the said Act specified; and it was further thereby enacted,
 ‘ that if any Person should be found upon any Land committing
 ‘ any such Offence as is herein-before mentioned such Person
 ‘ might be seized and apprehended, and committed to Custody,
 ‘ and in case of any Assault or Violence should be punished as in
 ‘ the said Act is set forth: And whereas the Provisions of the
 ‘ said Act have of late Years been evaded and defeated, by the
 ‘ Destruction, by armed Persons at Night, of Game or Rabbits,
 ‘ not upon open or inclosed Lands, as described in the said Act,
 ‘ but upon public Roads and Highways, and other Roads and
 ‘ Paths leading through such Lands, and also at the Gates, Outlets,
 ‘ and Openings between such Lands, and Roads, Highways, and
 ‘ Paths, so that not only has the Destruction of Game or Rabbits
 ‘ not been prevented, but the Risk of Murder and other grievous
 ‘ Offences contemplated by the said Act has been increased, and
 ‘ great Danger and Alarm occasioned to Persons using such Roads,
 ‘ Highways, and Paths; and it is expedient that the Remedies
 ‘ provided by the said Act against such Offences as herein-before
 ‘ mentioned should be extended and applied to the like Offences
 ‘ committed upon such Roads, Highways, and Paths; Be it there-
 ‘ fore enacted by the Queen’s most Excellent Majesty, by and with
 ‘ the Advice and Consent of the Lords Spiritual and Temporal, and
 ‘ Commons, in this present Parliament assembled, and by the Au-
 ‘ thority

Punishments and Forfeitures imposed by the recited Act on Persons by Night destroying Game or Rabbits in any open or inclosed Land to apply to Persons by Night destroying Game or Rabbits on any public Road, &c.

thority of the same, That from and after the passing of this Act all the Pains, Punishments, and Forfeitures imposed by the said Act upon Persons by Night unlawfully taking or destroying any Game or Rabbits in any Land, open or inclosed, as therein set forth, shall be applicable to and imposed upon any Person by Night unlawfully taking or destroying any Game or Rabbits on any public Road, Highway, or Path, or the Sides thereof, or at the Openings, Outlets, or Gates from any such Land into any such public Road, Highway, or Path, in the like Manner as upon any such Land, open or inclosed; and it shall be lawful for the Owner or Occupier of any Land adjoining either Side of that Part of such Road, Highway, or Path where the Offender shall be, and the Gamekeeper or Servant of such Owner or Occupier, and any Person assisting such Gamekeeper or Servant, and for all the Persons authorized by the said Act to apprehend any Offender against the Provisions thereof, to seize and apprehend any Person offending against the said Act or this Act; and the said Act, and all the Powers, Provisions, Authorities, and Jurisdictions therein or thereby contained or given, shall be as applicable for carrying this Act into execution as if the same had been herein specially set forth.

Act may be amended, &c.

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

C A P. XXX.

An Act to alter and amend an Act of the Fifty-third Year of King *George* the Third, for the Appointment of a stipendiary Magistrate to act within the Townships of *Manchester* and *Salford*. [4th July 1844.]

53 G. 3. c. 72.

‘ **W**HEREAS an Act was passed in the Fifty-third 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 of the Peace within the Townships of Manchester and Salford in the Hundred of Salford in the County Palatine of Lancaster; and to provide by means of a Rate on the said Townships a competent Salary to a Justice of the Peace acting within the said Townships; and to enable the Constables of Manchester and Salford to take Recognizances in certain Cases:* And whereas by the said Act it was provided that the Justice to be appointed under the Provisions thereof should daily (*Sundays* excepted) attend at the *New Bailey Court House in Salford*, and that the said Township of *Manchester* should contribute Seven Eighth Parts of the Salary payable to such Justice, which Salary was by the said Act fixed at the Sum of One thousand Pounds *per Annum*: And whereas since the passing of the said Act Her Majesty has been pleased to grant a Charter of Incorporation to the said Township of *Manchester*, and the adjoining Townships of *Chorlton-upon-Medlock, Hulme, Ardwick, Chetham*, and the extra-parochial District of *Beswick*, under and by virtue of the Powers and Provisions contained in an Act passed in the Sixth Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Corporations in* England

5 & 6 W. 4. c. 76.

‘ England and Wales, and has by such Charter conferred upon
 ‘ the said incorporated Borough of *Manchester* all the Powers
 ‘ and Provisions of the said Act: And whereas since the said In-
 ‘ corporation a separate Commission of the Peace has been granted
 ‘ to and for the said Borough, and a Borough Court is now held
 ‘ therein, the daily Business whereof is fully sufficient to require
 ‘ the Services of a stipendiary Magistrate appointed to act within
 ‘ and for the said Borough: And whereas the Council of the
 ‘ said Borough have declared that it is requisite that a salaried
 ‘ Police Magistrate should be appointed for the said Borough, and
 ‘ under and by virtue of the Powers given to them in that Behalf
 ‘ in and by the said last-mentioned Act have made a Bye Law
 ‘ fixing the Amount of the Salary to be paid to such Magistrate
 ‘ out of the Borough Fund of the said Borough at One thousand
 ‘ Pounds *per Annum*: And whereas it is in and by the said Act
 ‘ declared that it shall be lawful for Her Majesty, if She shall
 ‘ think fit, to appoint a Barrister of not less than Five Years
 ‘ standing to be during Her Majesty’s Pleasure the Police Magis-
 ‘ trate of the said Borough: And whereas it is expedient that
 ‘ the Township of *Manchester* should be exempted from Liability
 ‘ to contribute towards the Payment of the Salary of the Magis-
 ‘ trate appointed under and by virtue of the said first herein-
 ‘ before recited Act, and that a Police Magistrate should, under
 ‘ and in pursuance of the Provisions in that Behalf contained in
 ‘ the said Act passed in the Sixth Year of the Reign of His
 ‘ Majesty King *William* the Fourth, be appointed to act in and
 ‘ for the said Borough:’ May it therefore please Your Majesty
 that it may be enacted; and be it enacted by the Queen’s most
 Excellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That the
 Magistrate appointed under the said recited Act of the Fifty-third
 Year of the Reign of His Majesty King *George* the Third who
 shall be in Office at the Time of the passing of this Act shall be
 the first stipendiary Magistrate of the Borough of *Manchester*, and
 shall be considered to have been duly appointed in accordance
 with the Provisions of the said recited Act of the Sixth Year of
 the Reign of His late Majesty King *William* the Fourth, and shall
 have the like Authority, and be entitled to the same Remuneration,
 and be subject to the same Duties and Responsibilities, as though
 he had been appointed under and by virtue of the said lastly
 mentioned Act.

Appointment of
 a stipendiary
 Magistrate.

II. And be it enacted, That whenever by any Act now in force
 relating to the said Borough of *Manchester* or any Part thereof
 any Act is specifically authorized or directed to be done within
 the said Borough by the stipendiary Magistrate appointed under
 the said recited Act passed in the Fifty-third Year of the Reign
 of His Majesty King *George* the Third, the same may be done by
 the stipendiary Magistrate for the Time being of the said Borough
 who shall have the same Powers and Authority in relation thereto
 as are by any of the said Acts now in force given to or vested in
 the stipendiary Magistrate appointed under the said firstly herein-
 before recited Act.

Acts authorized
 to be done by
 Magistrate ap-
 pointed under
 first-recited Act
 may be done by
 the Magistrate
 under this Act.

III. And

Repeal of certain Provisions of first-recited Act.

III. And be it enacted, That from and after the passing of this Act all the Powers and Provisions of the said recited Act passed in the Fifty-third Year of the Reign of His Majesty King George the Third, so far as they authorize, direct, or require the Payment by the Township of *Manchester* of Seven Eighth Parts or any other Part of the Salary of One thousand Pounds *per Annum* payable to the Police Magistrate thereunder appointed, or which authorize the making or levying of any Rate within the said Township for the Purpose of raising such Salary or any Part thereof, and also any Provisions which direct, authorize, or require the Payment to the said Township of *Manchester*, or to any Person or Persons on behalf of such Township, of any Part or Portion of the Recognizances taken and estreated in the said County Palatine of *Lancaster*, shall be repealed.

Expences of this Act.

IV. And be it enacted, That the Expences incident to the soliciting, obtaining, and passing this Act shall be paid out of the Borough Fund of the said Borough.

Public Act.

V. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

C A P. XXXI.

An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*.
[4th July 1844.]

3 & 4 W. 4. c. 57.

‘ **W**HEREAS by an Act made and passed in the Third and
‘ Fourth Years of the Reign of His late Majesty King
‘ *William* the Fourth, intituled *An Act for the warehousing of*
‘ *Goods*, Regulations are made for the warehousing of Foreign
‘ Goods, without Payment of Duty at the Ports of the United
‘ Kingdom: And whereas it is expedient to permit such Goods
‘ to be removed from such Ports to be warehoused within or near
‘ to the Borough of *Manchester* for Home Consumption only:
‘ May it therefore please Your Majesty that it may be enacted;
‘ and be it enacted by the Queen’s most Excellent Majesty, by and
‘ with the Advice and Consent of the Lords Spiritual and Temporal,
‘ and Commons, in this present Parliament assembled, and by the
‘ Authority of the same, That from and after the passing of this
‘ Act the said Borough of *Manchester* shall be a warehousing
‘ Borough or Place for Goods for Home Consumption only, for the
‘ Purposes of this Act, subject to the Provisions and Limitations
‘ herein-after contained; and that it shall be lawful for the Com-
‘ missioners of Her Majesty’s Customs, by their Order, from Time
‘ to Time to appoint the Places or Premises within or near the
‘ said Borough, or within the Distances from the Town Hall in
‘ *Manchester* herein-after mentioned, which shall be the Warehouses
‘ and Places for depositing Goods removed under this Act, and also
‘ to make all such Rules, Regulations, and Conditions, and to re-
‘ quire such Securities respecting such Warehouses and Places, and
‘ the Goods lodged therein, as they are empowered by the said
‘ recited Act to make and require in respect of Warehouses and
‘ Goods at Ports, and the Owners or Occupiers of such Warehouses
‘ or

Borough of Manchester to be a Place for warehousing Goods for Home Consumption, subject to the Provisions and Limitations herein-after contained.

or Places within or near the said Borough, or within the Distance from the Town Hall in *Manchester* herein-after mentioned; and the Goods lodged therein, and the Owners of such Goods, shall be subject to the same Conditions, Penalties, Forfeitures, and Liabilities as the like Parties or Goods are or may be subject to in Ports under and by virtue of the said recited Act, or of any Acts made or to be made relating to the Customs: Provided always, nevertheless, that all Warehouses or other Places to be appointed as aforesaid for the Deposit of Goods under or by virtue of this Act shall be situated within Two thousand Yards from the Town Hall at *Manchester*, or within such Distances therefrom as the Lords Commissioners of the Treasury or the Commissioners of Her Majesty's Customs may approve of and direct.

II. And be it enacted, That the Commissioners of Her Majesty's Customs shall not be Required by any thing herein contained to provide the Warehouses for the Deposit of Tobacco in the said Borough of *Manchester*, but that such Warehouses shall be provided in the same Manner and at the like Expence as Warehouses for the warehousing of other Goods under this Act, and shall be subject to the same Conditions and Regulations in every respect as Warehouses for warehousing Tobacco are or may be subject to under any Act or Acts made or to be made relating to the Customs.

III. And be it enacted, That from and after the passing of this Act the said recited Act and all other Acts now or hereafter to be made relating to the Customs, and all the Powers, Authorities, and Provisions, Privileges and Forfeitures, Penalties, Matters, and Things whatsoever therein contained, except as such Powers, Authorities, Provisions, Privileges, Penalties, Forfeitures, Matters, and Things are repealed or altered by this Act, shall extend and apply, and be construed to extend and apply, to all Warehouses within or near the said Borough of *Manchester*, or within the Distance aforesaid, in which Goods may be deposited under this Act, and to all Goods which shall be removed thereto from any Port, or which shall be at any Time deposited therein, so far as the same are applicable to the warehousing of Goods for Home Consumption only within or near the said Borough or the Distance aforesaid.

IV. And be it enacted, That the Commissioners of Her Majesty's Customs shall cause an Account to be kept of all the Expences incurred by them in the Management and Collection of the Customs and other Duties payable in respect of the Goods deposited in such Warehouses or Places within or near the said Borough or Distances aforesaid, and of the Maintenance of the Establishment of Officers and Clerks necessary for such Management and Collection, and that on the First Day of *January* in every Year the said Commissioners shall cause a Copy of the said Account to be furnished to the Council of the said Borough, and the said Council shall forthwith order the same to be paid to the Commissioners of Her Majesty's Customs out of the Borough Fund of the said Borough of *Manchester*; and in case the Council of the said Borough shall be of opinion that the Amount claimed by the said Account is excessive, or in case any Difference shall arise concerning the said Account, it shall be lawful for the said Council to appeal to the Lords of the Treasury, who thereupon shall make such Order concerning the same as to them shall seem just,

Commissioners not to provide Warehouses for Deposit of Tobacco in *Manchester*.

Provisions of recited Act to apply to Warehouses in which Goods are deposited under this Act.

Account of Expences incurred by the Customs under this Act to be sent to the Council of the Borough.

just, which Order shall be conclusive and binding on all Parties: Provided also, that every such Appeal shall be made by the said Council within Three Calendar Months next after any such Account shall have been furnished to the Council as aforesaid.

Commissioners of Customs may distrain if Expences of Collection, &c. not paid within certain Times.

V. And be it enacted, That in case the said Council shall, for the Space of Three Months next after any Account hereby required to be rendered to the said Council shall have been delivered to the said Council, or to the Treasurer of the Borough, neglect or refuse to make an Order for or cause Payment of such Account to be made, in case there shall be no Difference or Dispute about the same, or shall neglect or refuse for the Space of One Calendar Month next after any Order or Minute made by the Lords of the Treasury, or any Three or more of them, upon any Appeal made to them upon any such disputed Account, shall have been delivered to the said Council or to the Treasurer of the Borough, to cause Payment to be made of all or any such Sum or Sums as may be directed to be paid by any such Order or Minute, then and in such Case, and immediately after the Expiration of the said Calendar Month, it shall and may be lawful for the said Commissioners of Her Majesty's Customs, or any Two or more of them, by Warrant under their Hands and Seals, to cause all or any of the Borough Funds or other Monies and Effects to be distrained upon, and to make Sale of any such Effects, and to apply the Proceeds of such Distrainment and Seizure in discharge and full Payment of all such Accounts, and all Expences incurred in recovering and proceeding for the same, rendering the Overplus, if any, to the Treasurer of the said Borough.

Treasury may suspend warehousing of Goods unless Expences paid.

VI. And be it enacted, That in case of any Failure in the Payment of the Expences incurred or to be incurred by the Crown in the Collection and Management of the Duties of Customs under the Provisions of this Act, it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any Three of them, to direct that no further Goods shall be warehoused without Payment of Duty in any Warehouse approved under the Provisions of this Act, until such Expence shall be paid and satisfied; and after the issuing of any such Directions no Goods shall be deposited therein under the Provisions of this Act.

Council empowered to charge on each Package.

VII. And be it enacted, That, for and in consideration of the Charges and Expences to which the Council of the said Borough will be put in carrying into effect the Provisions of this Act, it shall and may be lawful to and for the Council of the said Borough, and they are hereby authorized and empowered from Time to Time and at all Times hereafter, to ask, demand, receive, recover, take, levy, and raise, for and in respect of all such Goods, Merchandise, and Commodities whatsoever as shall be lodged or warehoused under the Provisions of this Act, or which shall pay or be liable to pay the Customs Duty thereon at, in, or near the said Borough of *Manchester*, although the same shall not have been actually lodged or warehoused, or which shall come in any way under the Control or Charge of the Officers of Customs at *Manchester*, such Rate and Duty, Rates and Duties, as the said Council shall from Time to Time fix and determine: Provided always, that it shall be lawful for the Collector or other proper Officer of the Customs, under the Authority of the Commissioners of Customs, and by their Direction,

Direction, to refuse to permit any Goods warehoused under this Act to be delivered from the Warehouse until a Certificate or other Proof that the Rates and Duties payable to the Borough in respect of such Goods have been paid or satisfied shall have been produced to him.

VIII. And be it enacted, That it shall and may be lawful for the Council of the said Borough, and they are hereby authorized and required, from Time to Time when and so often as they shall think it necessary, to ask, demand, receive, recover, take, levy, and raise of and from the Occupier or Occupiers of each and every Warehouse or Place of Security which the Commissioners of Her Majesty's Treasury, or the Commissioners of Her Majesty's Customs, by their Order from Time to Time shall appoint to be Warehouses or Places of Security under and by virtue of this Act, such Warehouse Rate as the said Council shall from Time to Time, at a Meeting of the Council duly called for that Purpose, fix and determine for and in respect of such Warehouse or Place of Security; and the Money or Monies to be so rated or assessed on the said Occupiers shall be paid in advance by them respectively to the Collector or Collectors or other Person or Persons appointed by the said Council to collect the same; and in case any Occupier or Occupiers of any such Warehouse or Place, or the Owner of any such Goods, shall neglect or refuse to pay his, her, or their Proportion or Proportions of the said Rates or Assessments respectively to the said Collector or Collectors or other Person or Persons for the Space of Five Days after personal Demand thereof, or Demand in Writing left at the Place of Abode or Occupation of such Occupier or Occupiers, then and in every such Case it shall be lawful for the said Council, by Warrant from any One or more Justice or Justices of the Peace, to levy the Amount thereof by Distress and Sale of his, her, or their Goods and Chattels; and the Surplus (if any) of the Monies to be raised by such Distress and Sale shall be returned to the Owner or Owners of the Goods and Chattels so distrained and sold, together with any Property which may remain unsold, after deducting all Charges attending such Distress and Sale: Provided always, that it shall be lawful for the said Council to recover any Rate or Assessment due and payable by virtue of this Act by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster* or Court of Common Pleas at *Lancaster*: Provided also, that no Goods warehoused under this Act shall be removed from any such Warehouse by virtue of any such Distress or Sale unless the full Duties of Customs due thereon shall have been fully paid and satisfied.

IX. And be it enacted, That any Person, being either a Landlord or Tenant, who shall let any Warehouse in separate Apartments to several Tenants, or for any less Term than a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

X. And be it enacted, That the Council of the said Borough shall appoint One or more Collector or Collectors, or such other Officer or Officers as they shall think necessary, to enable them to carry into execution the Powers and Duties vested in them by virtue of this Act, not being for the Collection or Management of any Duty, Matter, or Thing relating to the Customs, and shall from

Power to
Council to levy
a Warehouse
Rate.

Rates where
Warehouses are
let to several
Tenants.

Council to ap-
point Officers.

from Time to Time, at their Pleasure, discontinue the Appointment of any such Officers, and shall take such Security for the due Execution of his Office by any such Officer as the said Council shall think proper.

Council empowered to include in the Borough Rate the Expenses of this Act.

XI. And be it enacted, That the Council of the said Borough shall be and are hereby authorized and empowered from Time to Time to include the Amount of the Monies required, or which it may be determined will be required, for the Purposes of this Act in the next Estimate for the Borough Rate to be made within the said Borough; and they are hereby authorized and empowered to order such additional Amount of Money to be included in the next Borough Rate so to be made and levied within the said Borough.

Power to Council to purchase Property.

XII. And be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses of the said Borough, by the said Council, to contract for the absolute Purchase of any Lands situate within or near the said Borough, or within the aforesaid limited Distance from any Part of the Town Hall thereof, from any Person willing to sell the same; and on Payment of the Purchase Money for any such Lands to the Parties respectively entitled, or otherwise pursuant to the Provisions of this Act, the Person entitled to or capacitated to convey such Lands shall convey and assure the same to the said Mayor, Aldermen, and Burgesses, to be by them held and enjoyed for the Purposes of this Act; and all or any of such Lands, including any Warehouses and other Buildings which may be erected thereon, may be subsequently sold, or otherwise alienated, demised, or leased, in the like Manner, for the like Purposes, and subject to the like Conditions as are and shall for the Time being be by Law applicable to other Lands of the said Mayor, Aldermen, and Burgesses; but the said last preceding Provision shall be without Prejudice to the Power of mortgaging hereby vested in the said Mayor, Aldermen, and Burgesses for the Purposes and in manner herein-after expressed.

Conveyance.

Parties under Disability to sell and convey.

XIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any such Lands, or any Estate or Interest therein, to sell and dispose, and convey or release the same unto the said Mayor, Aldermen, and Burgesses, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial, qualified, or definite Estate or Interest, married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled or who may become entitled in reversion, remainder, or expectancy after them, if incapacitated, unborn, or otherwise not ascertained or not to be found, and as to such married Women as if they were sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively

respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees and Executors and Administrators on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Females Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been ascertained and under no Disability.

XIV. And be it enacted, That, except as herein-after mentioned, the Consideration to be paid for the Purchase of any such Lands, or of any Estate or Interest therein, or of any Rent or Rent-charge affecting the same, shall be in a gross Sum.

Consideration to be in a gross Sum.

XV. And be it enacted, That the Owners of any such Lands, or of any such Estate or Interest therein as aforesaid, and all Parties by this Act enabled to convey any such Lands, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept, Satisfaction for the Value of such Lands, or any Estate or Interest therein to which such Party shall be entitled.

Acceptance of Compensation for Price of Lands.

XVI. And with respect to the Consideration Money to be paid for any Lands to be purchased from any Party under any Disability or Incapacity, and not having Power to sell or convey except under the Provisions in this Act contained, be it enacted, That such Consideration Money shall not be less than shall be determined by the Valuation of Two practical Surveyors, one of whom shall be nominated by the Council, and the other by the other Party, and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as any Two Justices shall, upon the Application of the Council for that Purpose, nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Justices, shall annex to the Valuation a Declaration of the Correctness thereof.

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

XVII. And be it enacted, That if any Person seized in Fee or entitled absolutely for his own Benefit to any Lands authorized to be purchased for the Purposes of this Act shall be willing to sell such Lands for a perpetual annual Rent in lieu of a Sum in gross, such Person may lawfully sell and convey such Lands or any Part thereof unto the said Mayor, Aldermen, and Burgesses, in consideration of an annual Rent-charge payable by the Mayor, Aldermen, and Burgesses to the Person so selling and conveying, and to his Heirs and Assigns, or to such other Person as he or they shall direct.

Purchase of Lands on Chief Rents.

XVIII. And be it enacted, That the yearly Rents reserved by any such Conveyance shall be charged on the Borough Fund of the said Borough, and shall be paid by the Treasurer of such Borough as such Rents become payable; and if at any Time any such Rents be not paid within Thirty Days after they so become payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the Mayor, Aldermen, and Burgesses, with Costs of Suit, by Action of Debt in any of the Superior Courts, or it shall be lawful for him to levy the same by Distress of the Goods and Chattels of the said Mayor, Aldermen, and Burgesses.

Payment of such Rents to be charged on the Borough Fund.

Forms of Conveyances.

XIX. And be it enacted, That all Conveyances of Land so to be purchased as aforesaid may respectively be according to the Form in the Schedules (A.) and (B.) respectively to this Act annexed, with such Variations as the Circumstances of the Case may reasonably require; and all Conveyances under this Act, whether the same shall or shall not be in such Form respectively, shall be effectual to vest the Lands comprised therein in the Mayor, Aldermen, and Burgesses, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest thereby conveyed, and, without Inrolment or any further Act, to bar and destroy all Estates Tail, and all other Estates, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands comprised therein; but although Terms of Years be thereby merged, they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee for the Mayor, Aldermen, and Burgesses, to attend the Reversion and Inheritance.

Costs of Conveyances.

XX. And be it enacted, That the Costs of investigating the Title to any Lands which may be purchased by the Mayor, Aldermen, and Burgesses, under the Authority of this Act, and of the Conveyance thereof respectively, or of any Estate or Interest therein respectively, and such other Costs as are usually paid by the Purchaser on the Purchase of any Lands, or of any Estate or Interest therein, shall be borne and paid by the Mayor, Aldermen, and Burgesses.

Purchase Money payable to Parties under Disability amounting to 200*l.* to be deposited in the Bank of England.

XXI. And for the Purpose of providing for the Deposit and Application of the Purchase Money to be paid in respect of any such Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money shall be payable in respect of any such Lands, or any Interest therein, which any Corporation, Tenant for Life, or any other partial or qualified Interest, married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Person under any Disability, shall be entitled to or interested in, and shall under the Powers of this Act be enabled to convey or dispose of, the same shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of England in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* "The Mayor, Aldermen, and Burgesses of the Borough of Manchester," pursuant to the Method prescribed by an Act of the Twelfth Year of the Reign of His Majesty King George the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and Indorsements thereon, as likewise Indorsements on South Sea Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Moneys, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said*

12 G. 1. c. 32.

12 G. 2. c. 24.

Suitors, by applying the Interest therefrom for answering the Charges of the Office of Accountant General of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Lands in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or to the like Uses, Trusts, or Purposes; or

Application
of Monies
deposited.

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same Manner as the Lands in respect of which such Money shall have been paid stood settled; or,

If such Monies shall be paid in respect of any Buildings purchased under the Authority of this Act, in replacing such Buildings, or substituting others in their Stead, in such Manner as the Court of Chancery shall direct; or

In Payment to any Party becoming absolutely entitled to such Money.

XXII And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Chancery made on the Petition of the Party who would have been entitled to the Rents and Profits of the Lands in respect of which such Money shall have been deposited; and until the Money can be so applied it may upon the like Order be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds may be made on the like Petition.

Order of
Application.

XXIII And with respect to any such Purchase Money which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in the Manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Lands in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees; but such last-mentioned Application of the Monies shall not be made unless the Council approve thereof and of the Trustees named for the Purpose, such Approval to be signified in Writing under the Hand of the Town Clerk; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such

Sums from 20L
to 200L. to be
deposited, or
vested in Trust-
tees.

Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not exceeding 20*l.* to be paid to Parties.

XXIV. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands in respect whereof the same shall be payable, for their own Use and Benefit; or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid, for their Use, to the respective Husbands, Guardians, Committees, or Trustees of such Parties.

Court of Chancery may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions.

XXV. Provided always, and be it enacted, That where any Purchase Money paid into the Court of Chancery under the Provisions of this Act shall have been paid in respect of any Lease for Lives or Years, or any Estate in Lands less than the whole Fee Simple thereof, or of any Reversion dependant on any such Lease or Estate, it shall be lawful for the Court of Chancery, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

Party in possession deemed to be the Owner.

XXVI. And be it enacted, That if any Question arise respecting the Title to the Lands in respect whereof such Money shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Lands at the Time of such Lands being purchased shall be deemed to have been lawfully entitled to such Lands, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Costs in Cases of Money deposited.

XXVII. And with respect to Costs in Cases of Money deposited in the Bank of *England*, be it enacted, That the Court of Chancery may in all such Cases order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid by the Mayor, Aldermen, and Burgesses; (that is to say,) the Costs of the Purchase of the Lands, or which shall have been incurred in consequence thereof, other than such Costs as are herein otherwise provided for, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Reinvestment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Lands, and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all

other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

XXVIII. And be it enacted, That nothing in this Act contained shall enable the said Council to alienate, incumber, or demise, for the Purposes of this Act, without the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or any Three of them, any Lands, Tenements, or Hereditaments which they could not have sold, alienated, incumbered, or demised without such Approbation before the passing of this Act, any thing in this Act to the contrary notwithstanding.

Council not to sell, &c. without Approbation of the Treasury.

XXIX. And be it enacted, That it shall be lawful for the said Mayor, Aldermen, and Burgesses, by the said Council, and pursuant to the Resolutions of a Special Meeting of such Council, from Time to Time to borrow and take up at Interest any Sum or Sums of Money, but to such Amount only that the whole Principal Debt due at any one Time upon such Mortgages shall not exceed the Sum of Fifty thousand Pounds, and that either upon the Credit of the Rates in respect of or upon Goods and Warehouses respectively hereby authorized to be made, or either of such Rates, or upon the Security of any Lands which may be purchased under the Provisions of this Act, or upon the Credit of the Borough Fund of the said Borough, or by any of such Means, and to mortgage, demise, grant, or assign the said Rates or Assessments, or any or either of them, or any Parts thereof, and the Lands aforesaid respectively, to the Persons who shall advance or lend such Money, as a Security for the same together with the Interest thereof, and that by any Writing under the Seal of the said Mayor, Aldermen, and Burgesses, which Writings may respectively be in the Words or to the Effect set forth in the Schedules (C.) and (D.) to this Act annexed, with such Variation, and with such Powers, Covenants, and Provisoes, as the Circumstances of the Case may reasonably require, or the Parties shall agree; and no Person advancing any Sum or Sums upon the Credit of any such Security shall be bound to see to or be responsible for the Application of such Money.

Power to borrow Money on Rates and Warehouses.

Mortgage.

XXX. And be it enacted, That if Two or more Mortgages, either of the aforesaid Rates or either of them, or of the said Lands or any Part thereof, shall be made to Two or more Persons, their respective Securities may, according to the actual Agreement in that Behalf, to be expressed in such Mortgages, be either concurrent and to take effect *pari passu*, or with such Priority as may be so agreed upon, and in default of and subject to any such Agreement the Priority of the same Mortgages shall be determined by the Order of the respective Executions thereof: Provided always, that no Mortgagee of such Rates or either of them shall be entitled to interfere with the ordering or assessing of the same Rates, or the Amount or Collection thereof, but the same shall be from Time to Time made, assessed, and collected in manner herein directed, and the said Mayor, Aldermen, and Burgesses, acting by their Council, shall be Trustees for the Application thereof in the Order and for the Purposes herein-after expressed.

Mortgages may be either concurrent or with Priority as agreed on.

XXXI. And be it enacted, That it shall be the Duty of the Collector or other Officer by whom any Monies received or raised under this Act shall be received, and he is hereby required, forth-

Application of Monies raised or received under Act.

with upon the Receipt thereof, to deposit with the Treasurer of the said Borough every Sum of Money which shall come to his Hands, and whether the same shall arise from any Rate or any Loan hereby authorized to be raised, or from the Rents and Profits of such Lands; and upon such Monies being so deposited it shall be the Duty of the said Treasurer, and he is hereby required, to pay and dispose of all such Monies in such Manner as he may be required by any of the Laws, Bye Laws, or Regulations then in force in relation thereto, or, so far as they may not apply, as required by any Law, Bye Law, or Regulation then in force in relation to the Monies forming the Borough Fund; and from Time to Time it shall be lawful for the Council of the said Borough to direct by Order the Issue or Payment thereof or of any Part thereof for the Purpose of being applied according to the Provisions of this Act, which Order shall be subject to the Laws, Bye Laws, and Regulations then in force in relation to such Monies, or, so far as they may not apply, then to any Law, Bye Law, or Regulation then in force in relation to the Monies forming the said Borough Fund.

Application of
Monies bor-
rowed or pro-
duced by Sale
of Lands.

XXXII. And be it enacted, with regard to the Monies to be from Time to Time borrowed under the Provisions of this Act, or to arise from any Sale of Lands previously purchased or acquired hereunder, That it shall be lawful for the said Council and they are hereby authorized to apply such Monies as follows:

First,—To defray the Expences attendant upon the Application for and the obtaining of this Act; and,

Secondly,—To purchase or build One or more Warehouses or Bonding Places for the Purposes of this Act, or to alter and render suitable for such Warehouses any Messuages or Buildings which the said Council shall purchase by virtue of this Act, and from Time to Time to enlarge, improve, alter, repair, or rebuild such Warehouses and Places, or any of them:

And with regard to all other Monies to be received by or to become subject to the Control of the said Council under the Authority of this Act, including the net Rents and Profits of the Lands so to be purchased, and any Buildings for the Time being, after all reasonable Deductions and Allowances for Lessees Repairs, Expence of Insurance, and proper or reasonable Outgoings, it shall be lawful for the said Council and they are hereby authorized and required to apply such Monies as follows:

First,—Towards the Payment of the Expence which may be necessarily incurred from Time to Time in carrying into effect the Provisions of this Act, and which are not hereinbefore provided for:

Secondly,—Towards the Payment from Time to Time of the Interest of any Money which shall be raised by way of Mortgage according to the Power hereby given, or of so much thereof as shall remain unredeemed:

Thirdly,—Towards the Payment of the Amount of any Sum of Money which the said Council shall from Time to Time pay to the Commissioners of Customs by virtue of this Act:

And with regard to the Monies to be so borrowed, and as to all other Monies so to be received, that if the said Monies shall be

more

more than sufficient for the Purposes aforesaid, then it shall be lawful for the said Council to apply the Surplus thereof either in Payment of the Money borrowed by the said Council under the Provisions of this Act, or of so much thereof as they shall from Time to Time deem it expedient to redeem, or in Improvements within the said Borough, or otherwise as to the said Council shall seem fit for the public Benefit of the Inhabitants thereof.

XXXIII. And be it enacted, That it shall be lawful for the said Council, at a Meeting thereof at which Two Thirds at least of their Number shall be present, and they are hereby empowered, to make such Bye Laws as to them shall seem meet with regard to the Warehouses to be appointed by virtue of this Act, so far as relates to the Management and Regulation thereof for the Purposes of this Act, and also with regard to the Duties or Rates authorized to be raised by this Act, so far as relates to the Collection thereof, and also with regard to the Owners of Warehouses and Owners of Goods lodged therein, and all other Persons employed by such Owners, or otherwise engaged about such Warehouses and Goods lodged therein and removed therefrom, and to impose therein such Fines for the Nonobservance of such Bye Laws, not exceeding Ten Pounds, as to them shall seem meet.

Council to make Bye Laws.

XXXIV. Provided nevertheless, and be it enacted, That no such Bye Law shall be of any Force until after the Expiration of Forty Days after the same, or a Copy thereof, shall have been sent, sealed with the Seal of the said Borough, to the Lords of Her Majesty's Treasury, and after a Copy thereof shall have been affixed on or near the outer Door of the Town Hall, or in some other public Place within such Borough, for the like Space of Forty Days; and if at any Time within the said Period of Forty Days the Lords of the Treasury shall disallow such Bye Law or any Part thereof, such Bye Law, or the Part thereof so disallowed, shall not come into operation: Provided also, that it shall be lawful for the Lords of the Treasury, if they shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law shall not come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

Bye Laws not to take effect until submitted to Treasury and published.

XXXV. And be it enacted, That the several Provisions, Powers, and Enactments in the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and the Acts for the Amendment, Alteration, or Interpretation thereof, shall, so far as the same respectively relate to the several Matters and Things herein-after referred to, extend to such Matters and Things as are herein-after mentioned in connexion therewith; (that is to say,)

Extending Provisions of Municipal Corporations Acts to this Act in certain respects.

The Provisions for ordering the Borough Rate, and in respect of Appeals therefrom, and for obtaining Returns of rateable Property and Assessments, shall apply to the respective Rates authorized to be made hereunder, and to the Returns and Assessments requisite or proper for the Purposes thereof, and the respective Provisions for the Removal and Re-appointment of Officers, and in relation to the Securities for the due Execution

uction of their respective Offices, and for the Delivery and Enforcement of their Accounts, and as to their Receipts, Payments, and Duties, and to the Remedies and Proceedings for enforcing or consequent upon any Breach thereof, or in reference to their Conduct and Behaviour in any respect to the Officers, Clerks, and Servants to be appointed hereunder, and to the like Securities, Remedies, Matters, and Things with reference to such Officers, Clerks, and Servants :

And the same Act and Acts, so far as relates to the Application of Penalties ; and

So far as relates to the Prosecution of Offences punishable upon summary Convictions ; and

So far as relates to the summoning of Witnesses, and the Penalties for Disobedience of such Summons ; and

So far as relates to the Payment of Penalties, the levying thereof by Distress, and the Imprisonment of Offenders ; and

So far as relates to the Form of Conviction ; and

So far as relates to Appeals against Convictions under that Act ; and

So far as relates to the Informality of Proceedings, and the Removal of Proceedings into Her Majesty's Court of Record at *Westminster*, and to the Recovery of Satisfaction by Persons aggrieved by informal Proceedings ; and

So far as relates to the Protection of Persons acting in the Execution of that Act in relation to Actions and Proceedings against them for any thing done in pursuance of that Act,

Shall apply to the like Matters under this Act, and in every such Case as if such Parts of the same Act or Acts were re-enacted herein with the requisite Variations.

Interpretation
of Act.

XXXVI. And for the Interpretation of this Act, be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender only shall include Females :

The Word " Month " shall mean a Calendar Month :

The Words " Mayor, Aldermen, and Burgesses " shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Manchester* in the County of *Lancaster* :

The Word " Council " shall mean the Council of the Borough of *Manchester* :

The Word " Borough " shall mean the Borough of *Manchester* as comprised in Her Majesty's Charter of Incorporation :

The Word " Justice " shall mean any one of Her Majesty's Justices of the Peace acting in and for the said Borough of *Manchester* or the said County of *Lancaster* :

The Word " Goods " shall mean all Goods, Commodities, and Merchandize whatsoever which now or for the Time being may by Law be warehoused or lodged according to the Provisions of the said Warehousing Act :

The

The Word "Warehouses" shall include all Places of Security or Premises appointed in pursuance of this Act for the warehousing or lodging of Goods, and to the Buildings, Walls, Yards, and other Places appurtenant thereto or connected therewith, including Yards for bonding Timber, whether the same Warehouses be situate within or near the Borough of *Manchester* :

The Word "Owners," used in connexion with or with reference to Goods, shall include reputed or ostensible Owners, and all Persons in whose Names any Goods shall have been warehoused under this Act, or shall for the Time being stand in the Books kept by the Officers of Customs having the Charge of the Warehouse in which the same shall be lodged, or shall have been lodged at the Time of the Payment of the Duties of Customs thereon, and also all Persons who in respect of such Goods shall be liable to the Payment of such Duties :

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure :

The Term "Lords of the Treasury" shall mean also and include the Lord High Treasurer, or the Lords Commissioners of Her Majesty's Treasury for the Time being, as the Case may be :

The Word "Commissioners" shall mean and include the Commissioners of Her Majesty's Customs for the Time being.

XXXVII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such. Public Act.

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

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the Sum of to me [*or, as the Case may be,*] into the Bank of England, in the Name and with the Privy of the Accountant General of the Court of Chancery, ex parte "The Mayor, Aldermen, and Burgesses of the Borough of Manchester," [*or to A. B. of and C. D. of* Two Trustees appointed to receive the same,] pursuant to the Act after mentioned, paid by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describe the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or surrender, to hold the Premises to the Mayor, Aldermen, and Burgesses, their Successors and

and Assigns for ever, according to the true Intent and Meaning of this Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the Rent-charge to be paid to me, my Heirs and Assigns, as herein-after mentioned, by the Mayor, Aldermen, and Burgesses of the Borough of Manchester, acting under an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], do hereby convey to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereunto belonging, and all such Estate, Right, Title, and Interest in and to the same, and every Part thereof, as I am or shall become seised or possessed of, or am by the said Act capacitated or empowered to convey or surrender, to hold the said Premises to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act, they the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, yielding and paying unto me, my Heirs and Assigns, one clear yearly Rent of by equal quarterly [*or half-yearly, as agreed upon,*] Portions henceforth on the [*stating the Days*], clear of all Taxes and Deductions. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

SCHEDULE (C.)

Form of Mortgage upon the Security of Lands purchased.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of by of paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt endorsed on these Presents, do by these Presents demise and assign to the said his Executors, Administrators, and Assigns, all that [*here describe the Premises*], and all the Estate, Right, Title, and Interest of the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the same, to have and to hold the said [*shortly specifying the Premises*], hereby demised, and all Benefit and Advantage thereunto belonging, unto the said his Executors, Administrators, and Assigns, until the Expiration of the Term of One thousand Years [*or for a shorter Period, according to the Nature of the Property, or the Extent of any Term therein*], or until the said Sum, with Interest thereon at the Rate of for every One hundred Pounds by the Year, shall have been paid or satisfied, which shall first happen. Given under our Common Seal, this Day of in the Year of our Lord One thousand eight hundred and

SCHEDULE (D.)

Form of Mortgage where the Loan is made on Security of Rates.

Know all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of the Borough of Manchester, under the Authority of the Act passed [*here set forth the Title of this Act*], in consideration of the Sum of _____ by _____ of _____ paid into the Hands of the Treasurer of the said Borough, the Receipt whereof is certified by his signing the Receipt endorsed on these Presents, do by these Presents assign unto the said _____ his Executors, Administrators, and Assigns, all the Rates and Duties arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Mayor, Aldermen, and Burgesses therein, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of _____ together with all Interest for the same at the Rate of _____ for every One hundred Pounds by the Year, shall be paid and satisfied. Given under our Common Seal, this _____ Day of _____ in the Year of our Lord One thousand eight hundred and _____

C A P. XXXII.

An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of *England* certain Privileges for a limited Period. [19th July 1844.]

‘ **W**HEREAS it is expedient to regulate the Issue of Bills
‘ or Notes payable on Demand: And whereas an Act was
‘ passed in the Fourth Year of the Reign of His late Majesty
‘ King *William* the Fourth, intituled *An Act for giving to the* 3 & 4 W. 4. c. 98.
‘ *Corporation of the Governor and Company of the Bank of*
‘ *England certain Privileges for a limited Period, under certain*
‘ *Conditions*; and it is expedient that the Privileges of exclusive
‘ Banking therein mentioned should be continued to the said
‘ Governor and Company of the Bank of *England*, with such
‘ Alterations as are herein contained, upon certain Conditions:’
‘ May it therefore please Your Majesty that it may be enacted; and
‘ be it enacted by the Queen’s most Excellent Majesty, by and with
‘ the Advice and Consent of the Lords Spiritual and Temporal, and
‘ Commons, in this present Parliament assembled, and by the Autho-
‘ rity of the same, That from and after the Thirty-first Day of
‘ *August* One thousand eight hundred and forty-four the Issue of
‘ Promissory Notes of the Governor and Company of the Bank
‘ of *England*, payable on Demand, shall be separated and thence-
‘ forth kept wholly distinct from the general Banking Business of
‘ the said Governor and Company; and the Business of and relating
‘ to such Issue shall be thenceforth conducted and carried on by the
‘ said Governor and Company in a separate Department, to be
‘ called “The Issue Department of the Bank of *England*,” subject
‘ to the Rules and Regulations herein-after contained; and it shall
‘ be lawful for the Court of Directors of the said Governor and
‘ Company, if they shall think fit, to appoint a Committee or Com-
‘ mittees

Bank to estab-
 lish a separate
 Department for
 the Issue of
 Notes.

mittees of Directors for the Conduct and Management of such Issue Department of the Bank of *England*, and from Time to Time to remove the Members, and define, alter, and regulate the Constitution and Powers of such Committee, as they shall think fit, subject to any Bye Laws, Rules, or Regulations which may be made for that Purpose: Provided nevertheless, that the said Issue Department shall always be kept separate and distinct from the Banking Department of the said Governor and Company.

Management
of the Issue
by Bank of
England.

II. And be it enacted, That upon the Thirty-first Day of *August* One thousand eight hundred and forty-four there shall be transferred, appropriated, and set apart by the said Governor and Company to the Issue Department of the Bank of *England* Securities to the Value of Fourteen million Pounds, whereof the Debt due by the Public to the said Governor and Company shall be and be deemed a Part; and there shall also at the same Time be transferred, appropriated, and set apart by the said Governor and Company to the said Issue Department so much of the Gold Coin and Gold and Silver Bullion then held by the Bank of *England* as shall not be required by the Banking Department thereof; and thereupon there shall be delivered out of the said Issue Department into the said Banking Department of the Bank of *England* such an Amount of Bank of *England* Notes as, together with the Bank of *England* Notes then in circulation, shall be equal to the aggregate Amount of the Securities, Coin, and Bullion so transferred to the said Issue Department of the Bank of *England*; and the whole Amount of Bank of *England* Notes then in circulation, including those delivered to the Banking Department of the Bank of *England* as aforesaid, shall be deemed to be issued on the Credit of such Securities, Coin, and Bullion so appropriated and set apart to the said Issue Department; and from thenceforth it shall not be lawful for the said Governor and Company to increase the Amount of Securities for the Time being in the said Issue Department, save as herein-after is mentioned, but it shall be lawful for the said Governor and Company to diminish the Amount of such Securities, and again to increase the same to any Sum not exceeding in the whole the Sum of Fourteen million Pounds, and so from Time to Time as they shall see Occasion; and from and after such Transfer and Appropriation to the said Issue Department as aforesaid it shall not be lawful for the said Governor and Company to issue Bank of *England* Notes, either into the Banking Department of the Bank of *England*, or to any Persons or Person whatsoever, save in exchange for other Bank of *England* Notes, or for Gold Coin or for Gold or Silver Bullion received or purchased for the said Issue Department under the Provisions of this Act, or in exchange for Securities acquired and taken in the said Issue Department under the Provisions herein contained: Provided always, that it shall be lawful for the said Governor and Company in their Banking Department to issue all such Bank of *England* Notes as they shall at any Time receive from the said Issue Department or otherwise, in the same Manner in all respects as such Issue would be lawful to any other Person or Persons.

Proportion of
Silver Bullion
to be retained

III. ' And whereas it is necessary to limit the Amount of Silver
' Bullion on which it shall be lawful for the Issue Department of
' the

' the Bank of *England* to issue Bank of *England* Notes ;' be it therefore enacted, That it shall not be lawful for the Bank of *England* to retain in the Issue Department of the said Bank at any one Time an Amount of Silver Bullion exceeding One Fourth Part of the Gold Coin and Bullion at such Time held by the Bank of *England* in the Issue Department.

IV. And be it enacted, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-four all Persons shall be entitled to demand from the Issue Department of the Bank of *England* Bank of *England* Notes in exchange for Gold Bullion, at the Rate of Three Pounds Seventeen Shillings and Nine-pence *per* Ounce of Standard Gold: Provided always, that the said Governor and Company shall in all Cases be entitled to require such Gold Bullion to be melted and assayed by Persons approved by the said Governor and Company at the Expence of the Parties tendering such Gold Bullion.

V. Provided always, and be it enacted, That if any Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was issuing his own Bank Notes shall cease to issue his own Bank Notes, it shall be lawful for Her Majesty in Council at any Time after the Cessation of such Issue, upon the Application of the said Governor and Company, to authorize and empower the said Governor and Company to increase the Amount of Securities in the said Issue Department beyond the total Sum or Value of Fourteen million Pounds, and thereupon to issue additional Bank of *England* Notes to an Amount not exceeding such increased Amount of Securities specified in such Order in Council, and so from Time to Time: Provided always, that such increased Amount of Securities specified in such Order in Council shall in no Case exceed the Proportion of Two Thirds the Amount of Bank Notes which the Banker so ceasing to issue may have been authorized to issue under the Provisions of this Act; and every such Order in Council shall be published in the next succeeding *London Gazette*.

VI. And be it enacted, That an Account of the Amount of Bank of *England* Notes issued by the Issue Department of the Bank of *England*, and of Gold Coin and of Gold and Silver Bullion respectively, and of Securities in the said Issue Department, and also an Account of the Capital Stock, and the Deposits, and of the Money and Securities belonging to the said Governor and Company in the Banking Department of the Bank of *England*, on some Day in every Week to be fixed by the Commissioners of Stamps and Taxes, shall be transmitted by the said Governor and Company weekly to the said Commissioners in the Form prescribed in the Schedule hereto annexed marked (A.), and shall be published by the said Commissioners in the next succeeding *London Gazette* in which the same may be conveniently inserted.

VII. And be it enacted, That from and after the said Thirty-first Day of *August* One thousand eight hundred and forty-four the said Governor and Company of the Bank of *England* shall be released and discharged from the Payment of any Stamp Duty, or Composition in respect of Stamp Duty, upon or in respect of their Promissory Notes payable to Bearer on Demand; and all such

in the Issue Department.

All Persons may demand of the Issue Department Notes for Gold Bullion.

Power to increase Securities in the Issue Department, and issue additional Notes.

Account to be rendered by the Bank of England.

Bank of England exempted from Stamp Duty upon their Notes.

Notes

Notes shall thenceforth be and continue free and wholly exempt from all Liability to any Stamp Duty whatsoever.

Bank to allow
180,000*l.* per
Annum.

VIII. And be it enacted, That from and after the said Thirty-first Day of *August* One thousand eight hundred and forty-four the Payment or Deduction of the annual Sum of One hundred and twenty thousand Pounds, made by the said Governor and Company under the Provisions of the said Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, out of the Sums payable to them for the Charges of Management of the Public Unredeemed Debt shall cease, and in lieu thereof the said Governor and Company, in consideration of the Privileges of exclusive Banking, and the Exemption from Stamp Duties, given to them by this Act, shall, during the Continuance of such Privileges and such Exemption respectively, but no longer, deduct and allow to the Public, from the Sums now payable by Law to the said Governor and Company for the Charges of Management of the Public Unredeemed Debt, the annual Sum of One hundred and eighty thousand Pounds, any thing in any Act or Acts of Parliament, or in any Agreement, to the contrary notwithstanding: Provided always, that such Deduction shall in no respect prejudice or affect the Rights of the said Governor and Company to be paid for the Management of the Public Debt at the Rate and according to the Terms provided in an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the advancing for the Public Service, upon certain Conditions, a Proportion of the Balance remaining in the Bank of England, for the Payment of Unclaimed Dividends, Annuities, and Lottery Prizes, and for regulating the Allowances to be made for the Management of the National Debt.*

48 G. 3. c. 4.

Bank to allow
the Public the
Profits of in-
creased Cir-
culation.

IX. And be it enacted, That in case, under the Provisions herein-before contained, the Securities held in the said Issue Department of the Bank of *England* shall at any Time be increased beyond the total Amount of Fourteen million Pounds, then and in each and every Year in which the same shall happen, and so long as such Increase shall continue, the said Governor and Company shall, in addition to the said annual Sum of One hundred and eighty thousand Pounds, make a further Payment or Allowance to the Public, equal in Amount to the net Profit derived in the said Issue Department during the current Year from such additional Securities, after deducting the Amount of the Expences occasioned by the additional Issue during the same Period, which Expences shall include the Amount of any and every Composition or Payment to be made by the said Governor and Company to any Banker in consideration of the Discontinuance at any Time hereafter of the Issue of Bank Notes by such Banker; and such further Payment or Allowance to the Public by the said Governor and Company shall, in every Year while the Public shall be entitled to receive the same, be deducted from the Amount by Law payable to the said Governor and Company for the Charges of Management of the Unredeemed Public Debt, in the same Manner as the said annual Sum of One hundred and eighty thousand Pounds is hereby directed to be deducted therefrom.

X. And

X. And be it enacted, That from and after the passing of this Act no Person other than a Banker who on the Sixth Day of *May* One thousand eight hundred and forty-four was lawfully issuing his own Bank Notes shall make or issue Bank Notes in any Part of the United Kingdom.

No new Bank of Issue.

XI. And be it enacted, That from and after the passing of this Act it shall not be lawful for any Banker to draw, accept, make, or issue, in *England* or *Wales*, any Bill of Exchange or Promissory Note or Engagement for the Payment of Money payable to Bearer on Demand, or to borrow, owe, or take up, in *England* or *Wales*, any Sums or Sum of Money on the Bills or Notes of such Banker payable to Bearer on Demand, save and except that it shall be lawful for any Banker who was on the Sixth Day of *May* One thousand eight hundred and forty-four carrying on the Business of a Banker in *England* or *Wales*, and was then lawfully issuing, in *England* or *Wales*, his own Bank Notes, under the Authority of a Licence to that Effect, to continue to issue such Notes to the Extent and under the Conditions herein-after mentioned, but not further or otherwise; and the Right of any Company or Partnership to continue to issue such Notes shall not be in any Manner prejudiced or affected by any Change which may hereafter take place in the personal Composition of such Company or Partnership, either by the Transfer of any Shares or Share therein, or by the Admission of any new Partner or Member thereto, or by the Retirement of any present Partner or Member therefrom: Provided always, that it shall not be lawful for any Company or Partnership now consisting of only Six or less than Six Persons to issue Bank Notes at any Time after the Number of Partners therein shall exceed Six in the whole.

Restriction against Issue of Bank Notes.

XII. And be it enacted, That if any Banker in any Part of the United Kingdom who after the passing of this Act shall be entitled to issue Bank Notes shall become bankrupt, or shall cease to carry on the Business of a Banker, or shall discontinue the Issue of Bank Notes, either by Agreement with the Governor and Company of the Bank of *England* or otherwise, it shall not be lawful for such Banker at any Time thereafter to issue any such Notes.

Bankers ceasing to issue Notes may not resume.

XIII. And be it enacted, That every Banker claiming under this Act to continue to issue Bank Notes in *England* or *Wales* shall, within One Month next after the passing of this Act, give Notice in Writing to the Commissioners of Stamps and Taxes at their Head Office in *London* of such Claim, and of the Place and Name and Firm at and under which such Banker has issued such Notes during the Twelve Weeks next preceding the Twenty-seventh Day of *April* last; and thereupon the said Commissioners shall ascertain if such Banker was on the Sixth Day of *May* One thousand eight hundred and forty-four carrying on the Business of a Banker, and lawfully issuing his own Bank Notes in *England* or *Wales*, and if it shall so appear then the said Commissioners shall proceed to ascertain the average Amount of the Bank Notes of such Banker which were in circulation during the said Period of Twelve Weeks preceding the Twenty-seventh Day of *April* last, according to the Returns made by such Banker in

Existing Banks of Issue to continue under certain Limitations.

in

in pursuance of the Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act to make further Provision relative to the Returns to be made by Banks of the Amount of their Notes in circulation*; and the said Commissioners or any Two of them shall certify under their Hands to such Banker the said average Amount, when so ascertained as aforesaid; and it shall be lawful for every such Banker to continue to issue his own Bank Notes after the passing of this Act: Provided nevertheless, that such Banker shall not at any Time after the Tenth Day of *October* One thousand eight hundred and forty-four have in circulation upon the Average of a Period of Four Weeks, to be ascertained as herein-after mentioned, a greater Amount of Notes than the Amount so certified.

Provision for united Banks.

XIV. Provided always, and be it enacted, That if it shall be made to appear to the Commissioners of Stamps and Taxes that any Two or more Banks have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united within the Twelve Weeks next preceding such Twenty-seventh Day of *April* as aforesaid, it shall be lawful for the said Commissioners to ascertain the average Amount of the Notes of each such Bank in the Manner herein-before directed, and to certify the average Amount of the Notes of the Two or more Banks so united as the Amount which the united Bank shall thereafter be authorized to issue, subject to the Regulations of this Act.

Duplicate Certificate to be published in the Gazette, and Gazette to be Evidence.

XV. And be it enacted, That the Commissioners of Stamps and Taxes shall, at the Time of certifying to any Banker such Particulars as they are herein-before required to certify, also publish a Duplicate of their Certificate thereof in the next succeeding *London Gazette* in which the same may be conveniently inserted; and the Gazette in which such Publication shall be made shall be conclusive Evidence in all Courts whatsoever of the Amount of Bank Notes which the Banker named in such Certificate or Duplicate is by Law authorized to issue and to have in circulation as aforesaid.

In case Banks become united Commissioners to certify the Amount of Bank Notes which each Bank was authorized to issue.

XVI. And be it enacted, That in case it shall be made to appear to the Commissioners of Stamps and Taxes, at any Time hereafter, that any Two or more Banks, each such Bank consisting of not more than Six Persons, have, by written Contract or Agreement (which Contract or Agreement shall be produced to the said Commissioners), become united subsequently to the passing of this Act, it shall be lawful to the said Commissioners, upon the Application of such united Bank, to certify, in manner herein-before mentioned, the aggregate of the Amounts of Bank Notes which such separate Banks were previously authorized to issue, and so from Time to Time; and every such Certificate shall be published in manner herein-before directed; and from and after such Publication the Amount therein stated shall be and be deemed to be the Limit of the Amount of Bank Notes which such united Bank may have in circulation: Provided always, that it shall not be lawful for any such united Bank to issue Bank Notes at any Time after the Number of Partners therein shall exceed Six in the whole.

XVII. And

XVII. And be it enacted, That if the monthly average Circulation of Bank Notes of any Banker, taken in the Manner herein-after directed, shall at any Time exceed the Amount which such Banker is authorized to issue and to have in circulation under the Provisions of this Act, such Banker shall in every such Case forfeit a Sum equal to the Amount by which the average monthly Circulation, taken as aforesaid, shall have exceeded the Amount which such Banker was authorized to issue and to have in circulation as aforesaid.

Penalty on Banks issuing in excess.

XVIII. And be it enacted, That every Banker in *England* and *Wales* who, after the Tenth Day of *October* One thousand eight hundred and forty-four, shall issue Bank Notes shall on some One Day in every Week after the Nineteenth Day of *October* One thousand eight hundred and forty-four (such Day to be fixed by the Commissioners of Stamps and Taxes) transmit to the said Commissioners an Account of the Amount of the Bank Notes of such Banker in circulation on every Day during the Week ending on the next preceding *Saturday*, and also an Account of the average Amount of the Bank Notes of such Banker in circulation during the same Week; and on completing the first Period of Four Weeks, and so on completing each successive Period of Four Weeks, every such Banker shall annex to such Account the average Amount of Bank Notes of such Banker in circulation during the said Four Weeks, and also the Amount of Bank Notes which such Banker is authorized to issue under the Provisions of this Act; and every such Account shall be verified by the Signature of such Banker or his chief Cashier, or, in the Case of a Company or Partnership, by the Signature of a Managing Director or Partner or chief Cashier of such Company or Partnership, and shall be made in the Form to this Act annexed marked (B.); and so much of the said Return as states the weekly average Amount of the Notes of such Bank shall be published by the said Commissioners in the next succeeding *London Gazette* in which the same may be conveniently inserted; and if any such Banker shall neglect or refuse to render any such Account in the Form and at the Time required by this Act, or shall at any Time render a false Account, such Banker shall forfeit the Sum of One hundred Pounds for every such Offence.

Issuing Banks to render Accounts.

XIX. And be it enacted, That for the Purpose of ascertaining the monthly average Amount of Bank Notes of each Banker in circulation the aggregate of the Amount of Bank Notes of each such Banker in circulation on every Day of Business during the first complete Period of Four Weeks next after the Tenth Day of *October* One thousand eight hundred and forty-four, such Period ending on a *Saturday*, shall be divided by the Number of Days of Business in such Four Weeks, and the Average so ascertained shall be deemed to be the Average of Bank Notes of each such Banker in circulation during such Period of Four Weeks, and so in each successive Period of Four Weeks, and such Average is not to exceed the Amount certified by the Commissioners of Stamps and Taxes as aforesaid.

Mode of ascertaining average Amount of Bankers Notes in circulation during the first Four Weeks after 10th Oct. 1844.

XX. And whereas, in order to insure the rendering of true and faithful Accounts of the Amount of Bank Notes in circulation, as directed by this Act, it is necessary that the Commissioners

Commissioners of Stamps and Taxes empowered to

cause the Books of Bankers containing Accounts of their Bank Notes in circulation to be inspected.

‘ sioners of Stamps and Taxes should be empowered to cause the Books of Bankers issuing such Notes to be inspected, as herein after mentioned;’ be it therefore enacted, That all and every the Book and Books of any Banker who shall issue Bank Notes under the Provisions of this Act, in which shall be kept, contained, or entered any Account, Minute, or Memorandum of or relating to the Bank Notes issued or to be issued by such Banker, or of or relating to the Amount of such Notes in circulation from Time to Time, or any Account, Minute, or Memorandum the Sight or Inspection whereof may tend to secure the rendering of true Accounts of the average Amount of such Notes in circulation, as directed by this Act, or to test the Truth of any such Account, shall be open for the Inspection and Examination, at all seasonable Times, of any Officer of Stamp Duties authorized in that Behalf by Writing, signed by the Commissioners of Stamps and Taxes or any Two of them; and every such Officer shall be at liberty to take Copies of or Extracts from any such Book or Account as aforesaid; and if any Banker or other Person keeping any such Book, or having the Custody or Possession thereof, or Power to produce the same, shall, upon Demand made by any such Officer, showing (if required) his Authority in that Behalf, refuse to produce any such Book to such Officer for his Inspection and Examination, or to permit him to inspect and examine the same, or to take Copies thereof or Extracts therefrom, or of or from any such Account, Minute, or Memorandum as aforesaid kept, contained, or entered therein, every such Banker or other Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds: Provided always, that the said Commissioners shall not exercise the Powers aforesaid without the Consent of the Commissioners of Her Majesty’s Treasury.

Penalty for refusing to allow such Inspection.

All Bankers to return Names once a Year to the Stamp Office

XXI. And be it enacted, That every Banker in *England* and *Wales* who is now carrying on or shall hereafter carry on Business as such shall on the First Day of *January* in each Year, or within Fifteen Days thereafter, make a Return to the Commissioners of Stamps and Taxes at their Head Office in *London* of his Name, Residence, and Occupation, or, in the Case of a Company or Partnership, of the Name, Residence, and Occupation of every Person composing or being a Member of such Company or Partnership, and also the Name of the Firm under which such Banker, Company, or Partnership carry on the Business of Banking, and of every Place where such Business is carried on; and if any such Banker, Company, or Partnership shall omit or refuse to make such Return within Fifteen Days after the said First Day of *January*, or shall wilfully make other than a true Return of the Persons as herein required, every Banker, Company, or Partnership so offending shall forfeit and pay the Sum of Fifty Pounds; and the said Commissioners of Stamps and Taxes shall on or before the First Day of *March* in every Year publish in some Newspaper circulating within each Town or County respectively a Copy of the Return so made by every Banker, Company, or Partnership carrying on the Business of Bankers within such Town or County respectively, as the Case may be.

Bankers to take out a separate Licence for

XXII. And be it enacted, That every Banker who shall be liable by Law to take out a Licence from the Commissioners of
Stamps

Stamps and Taxes to authorize the issuing of Notes or Bills shall take out a separate and distinct Licence for every Town or Place at which he shall, by himself or his Agent, issue any Notes or Bills requiring such Licence to authorize the issuing thereof, any thing in any former Act contained to the contrary thereof notwithstanding: Provided always, that no Banker who on or before the Sixth Day of *May* One thousand eight hundred and forty-four had taken out Four such Licences, which on the said last-mentioned Day were respectively in force, for the issuing of any such Notes or Bills at more than Four separate Towns or Places, shall at any Time hereafter be required to take out or to have in force at one and the same Time more than Four such Licences to authorize the issuing of such Notes or Bills at all or any of the same Towns or Places specified in such Licences in force on the said Sixth Day of *May* One thousand eight hundred and forty-four, and at which Towns or Places respectively such Bankers had on or before the said last-mentioned Day issued such Notes or Bills in pursuance of such Licences or any of them respectively.

XXIII ' And whereas the several Bankers named in the Schedule hereto annexed marked (C.) have ceased to issue their own Bank Notes under certain Agreements with the Governor and Company of the Bank of *England*; and it is expedient that such Agreements should cease and determine on the Thirty-first Day of *December* next, and that such Bankers should receive by way of Compensation such Composition as hereafter mentioned; and a List of such Bankers, and a Statement of the maximum Sums in respect of which each such Banker is to receive Compensation, hath been delivered to the Commissioners of Stamps and Taxes, signed by the Chief Cashier of the Bank of *England*; be it therefore enacted, That the several Agreements subsisting between the said Governor and Company and the several Bankers mentioned in the Schedule hereto relating to the Issue of Bank of *England* Notes shall cease and determine on the Thirty-first Day of *December* next; and from and after that Day the said Governor and Company shall pay and allow to the several Bankers named in the Schedule hereto marked (C.), so long as such Bankers shall be willing to receive the same, a Composition at and after the Rate of One Pound *per Centum per Annum* on the average Amount of the Bank of *England* Notes issued by such Bankers respectively and actually remaining in circulation, to be ascertained as follows; (that is to say,) on some Day in the Month of *April* One thousand eight hundred and forty-five, to be determined by the said Governor and Company, an Account shall be taken of the Bank of *England* Notes delivered to such Bankers respectively by the said Governor and Company within Three Months next preceding, and of such of the said Bank of *England* Notes as shall have been returned to the Bank of *England*, and the Balance shall be deemed to be the Amount of the Bank of *England* Notes issued by such Bankers respectively and kept in circulation; and a similar Account shall be taken at Intervals of Three Calendar Months; and the Average of the Balances ascertained on taking Four such Accounts shall be deemed to be the average Amount of Bank of *England* Notes issued by such Bankers respectively and kept in cir-

every Place at which they issue Notes, &c.

Proviso in favour of Bankers who had Four such Licences in force on the 6th of *May* 1844.

Compensation to certain Bankers named in the Schedule.

ulation during the Year One thousand eight hundred and forty-five, and on which Amount such Bankers are respectively to receive the 'aforesaid Composition of One *per Centum* for the Year One thousand eight hundred and forty-five; and similar Accounts shall be taken in each succeeding Year; but in each Year such Accounts shall be taken in different Months from those in which the Accounts of the last preceding Year were taken, and on different Days of the Month, such Months and Days to be determined by the said Governor and Company; and the Amount of the Composition payable as aforesaid shall be paid by the said Governor and Company out of their own Funds; and in case any Difference shall arise between any of such Bankers and the Governor and Company of the Bank of *England* in respect of the Composition payable as aforesaid, the same shall be determined by the Chancellor of the Exchequer for the Time being, or by some Person to be named by him, and the Decision of the Chancellor of the Exchequer, or his Nominee, shall be final and conclusive: Provided always, that it shall be lawful for any Banker named in the Schedule hereto annexed marked (C.) to discontinue the Receipt of such Composition as aforesaid, but no such Banker shall by such Discontinuance as aforesaid thereby acquire any Right or Title to issue Bank Notes.

Bank of Eng-
land to be
allowed to com-
pound with
Issuing Banks.

XXIV. And be it enacted, That it shall be lawful for the said Governor and Company to agree with every Banker who, under the Provisions of this Act, shall be entitled to issue Bank Notes, to allow to such Banker a Composition at the Rate of One *per Centum per Annum* on the Amount of Bank of *England* Notes which shall be issued and kept in circulation by such Banker, as a Consideration for his Relinquishment of the Privilege of issuing his own Bank Notes; and all the Provisions herein contained for ascertaining and determining the Amount of Composition payable to the several Bankers named in the Schedule hereto marked (C.) shall apply to all such other Bankers with whom the said Governor and Company are hereby authorized to agree as aforesaid; provided that the Amount of Composition payable to such Bankers as last aforesaid shall in every Case in which an Increase of Securities in the Issue Department shall have been authorized by any Order in Council be deducted out of the Amount payable by the said Governor and Company to the Public under the Provisions herein contained: Provided always, that the total Sum payable to any Banker, under the Provisions herein contained, by way of Composition as aforesaid, in any One Year, shall not exceed, in case of the Bankers mentioned in the Schedule hereto marked (C.), One *per Centum* on the several Sums set against the Names of such Bankers respectively in the List and Statement delivered to the Commissioners of Stamps as aforesaid, and in the Case of other Bankers shall not exceed One *per Centum* on the Amount of Bank Notes which such Bankers respectively would otherwise be entitled to issue under the Provisions herein contained.

Limitation of
Compositions.

Compositions
to cease on 1st
August 1856.

XXV. And be it enacted, That all the Compositions payable to the several Bankers mentioned in the Schedule hereto marked (C.), and such other Bankers as shall agree with the said Governor and Company to discontinue the Issue of their own Bank Notes as aforesaid, shall, if not previously determined by the Act of such Banker

Banker as herein-before provided, cease and determine on the First Day of August One thousand eight hundred and fifty-six, or on any earlier Day on which Parliament may prohibit the Issue of Bank Notes.

XXVI And be it enacted, That from and after the passing of this Act it shall be lawful for any Society or Company or any Persons in Partnership, though exceeding Six in Number, carrying on the Business of Banking in London, or within Sixty-five Miles thereof, to draw, accept, or endorse Bills of Exchange, not being payable to Bearer on Demand, any thing in the herein-before recited Act passed in the Fourth Year of the Reign of His said Majesty King William the Fourth, or in any other Act, to the contrary notwithstanding.

Banks within Sixty-five Miles of London may accept, &c. Bills.

XXVII. And be it enacted, That the said Governor and Company of the Bank of England shall have and enjoy such exclusive Privilege of Banking as is given by this Act, upon such Terms and Conditions, and subject to the Termination thereof at such Time and in such Manner as is by this Act provided and specified; and all and every the Powers and Authorities, Franchises, Privileges, and Advantages, given or recognized by the said recited Act passed in the Fourth Year of the Reign of His Majesty King William the Fourth, as belonging to or enjoyed by the said Governor and Company of the Bank of England, or by any subsequent Act or Acts of Parliament, shall be and the same are hereby declared to be in full Force, and continued by this Act, except so far as the same are altered by this Act; subject nevertheless to Redemption upon the Terms and Conditions following; (that is to say,) at any Time upon Twelve Months Notice to be given after the First Day of August One thousand eight hundred and fifty-five, and upon Repayment by Parliament to the said Governor and Company or their Successors of the Sum of Eleven million fifteen thousand and one hundred Pounds, being the Debt now due from the Public to the said Governor and Company, without any Deduction, Discount, or Abatement whatsoever, and upon Payment to the said Governor and Company and their Successors of all Arrears of the Sum of One hundred thousand Pounds per Аннат, in the last-mentioned Act mentioned, together with the Interest or Annuities payable upon the said Debt or in respect thereof, and also upon Repayment of all the Principal and Interest which shall be owing unto the said Governor and Company and their Successors upon all such Tallies, Exchequer Orders, Exchequer Bills, or Parliamentary Funds which the said Governor and Company or their Successors shall have remaining in their Hands or be entitled to at the Time of such Notice to be given as last aforesaid, then and in such Case, and not till then, the said exclusive Privileges of Banking granted by this Act shall cease and determine at the Expiration of such Notice of Twelve Months; and any Vote or Resolution of the House of Commons, signified under the Hand of the Speaker of the said House in Writing, and delivered at the public Office of the said Governor and Company, shall be deemed and adjudged to be a sufficient Notice.

Bank to enjoy Privileges, subject to Redemption.

XXVIII. And be it enacted, That the Term "Bank Notes" used in this Act shall extend and apply to all Bills or Notes for the Payment of Money to the Bearer on Demand other than Bills

Interpretation of Act.

or Notes of the Governor and Company of the Bank of *England*; and that the Term "Bank of *England* Notes" shall extend and apply to the Promissory Notes of the Governor and Company of the Bank of *England* payable to Bearer on Demand; and that the Term "Banker" shall extend and apply to all Corporations, Societies, Partnerships, and Persons, and every individual Person carrying on the Business of Banking, whether by the Issue of Bank Notes or otherwise, except only the Governor and Company of the Bank of *England*; and that the Word "Person" used in this Act shall include Corporations; and that the Singular Number in this Act shall include the Plural Number, and the Plural Number the Singular, except where there is any thing in the Context repugnant to such Construction; and that the Masculine Gender in this Act shall include the Feminine, except where there is any thing in the Context repugnant to such Construction.

Act may be amended, &c.

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

SCHEDULES to which the Act refers.

SCHEDULE (A.)

BANK OF ENGLAND.

An Account pursuant to the Act 7 & 8 Vict. Cap. for the Week
ending on the Day of .

Issue Department.

	£		£
Notes issued	-	Government Debt	-
		Other Securities	-
		Gold Coin and Bullion	-
		Silver Bullion	-
	£		£

Dated the Day of 18 . Cashier.

Banking Department.

	£		£
Proprietors Capital	-	Government Securities	-
Rest - - - - -	-	(including Dead	-
Public Deposits (to include		Weight Annuity)	-
Exchequer, Saving		Other Securities	-
Banks, Commissioners		Notes - - - - -	-
of National Debt, and		Gold and Silver Coin -	-
Dividend Accounts) -			
Other Deposits - - -			
Seven Day and other Bills			
	£		£

Dated the Day of 18 . Cashier.

SCHEDULE (B.)

Name and Title as set forth } in the Licence - - - }	_____	Bank.
Name of the Firm - - - }	_____	Firm.
Insert Head Office, or prin- } cipal Place of Issue - - }	_____	Place.

An Account pursuant to the Act 7 & 8 Vict. Cap. of the Notes
of the said Bank in circulation during the Week ending
Saturday the _____ Day of _____ 18 .

Monday	-	-
Tuesday	-	-
Wednesday	-	-
Thursday	-	-
Friday	-	-
Saturday	-	-

		6)

Average of the Week - _____

[To be annexed to this Account at the End of each Period of
Four Weeks.]

Amount of Notes authorized by Law	-	£
Average Amount in circulation during	} £	
the Four Weeks ending as above		-

I, being [the Banker, Chief Cashier, Managing Director, or
Partner of the _____ Bank, as the Case may be], do hereby
certify, That the above is a true Account of the Notes of the said
Bank in circulation during the Week above written.

(Signed)

Dated the _____ Day of _____ 18 .

SCHEDULE (C.)

Banks which have ceased to issue their own Bank Notes, under
certain Agreements with the Governor and Company of the
Bank of England.

Bank of Liverpool.
J. Barded & Co.
Biddulph, Brothers, & Co.
Birmingham Banking Company.
Birmingham Town and District Bank.
Birmingham and Midland Banking Company.
Burgess and Son.
Coopers and Purton.
Cunliffes, Brookes, and Co.
Deane, Littlehales, and Deane.
Dendy, Comper, and Co.
Devon and Cornwall Banking Company.
Grants and Gillman.
Hampshire Banking Company.

James W. R. Hall.
 J. M. Head and Co.
 Henty, Upperton, and Olliver.
 Thomas Kinnersly and Sons.
 R. J. Lambton and Co.
 Liverpool Commercial Banking Company.
 Liverpool Union Bank.
 Liverpool Borough Bank.
 Manchester and Liverpool District Banking Company.
 Manchester and Salford Banking Company.
 Monmouth and Glamorgan Banking Company.
 Moss and Company.
 Mangles, Brothers.
 Newcastle Commercial Banking Company.
 Newcastle-on-Tyne Joint Stock Banking Company.
 North of England Joint Stock Banking Company.
 Northumberland and Durham District Bank.
 Portsmouth and South Hants Bank Company.
 T. and R. Raikes and Co.
 Robinson and Brodhurst.
 Sheffield Union Bank.
 John Stoveld.
 Sunderland Joint Stock Banking Company.
 Tugwell and Co.
 Union Bank of Manchester.
 Vivian, Kitson, and Co.
 Watts, Whiteway, and Co.
 J. and J. C. Wright and Co.
 Webb, Holbrook, and Spencer.

C A P. XXXIII.

An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties.

[19th July 1844.]

‘ **W**HEREAS the Constitution of Boards of Guardians for Parishes and Unions of Parishes for the Administration of the Laws for the Relief of the Poor in *England*, together with the Appointment of Treasurers holding Funds contributed by such Parishes, affords great Facility for the Collection of County Rates, Hundred Rates, Police Rates, and other like Rates authorized to be levied in Counties or Parts of Counties; and it is expedient to relieve High Constables from the Duties of collecting and paying to the County Treasurer the said Rates, and from attending at the Quarter Sessions of the Peace of their several Counties in certain Cases, and from the Performance of certain other Duties at present by Law imposed on them:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *October* in this present Year, so soon as any Vacancy occurs in the Office

Justices of the Peace shall send Precepts

of High Constable of any Hundred, by the Expiration of his Appointment, or otherwise, then, as often as the Justices of the Peace within the respective Limits of their Commissions in *England* have made a County Rate or a Police Rate, or any other Rate which may by Law be raised in like Manner as County Rates, or any Two or more such Rates, such Justices assembled at their General or Quarter Sessions, or at any Adjournment thereof, shall order Precepts in the Form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the Guardians of every Union of Parishes, of which Union any Parish is situate within such Limits, stating the Sum or Sums assessed and charged for each such Rate on each Parish in the Union, the whole of which Parish is situate within such Limits, and to the Guardians of every single Parish situate within such Limits, stating the Sum or Sums assessed and charged on such Parish for each such Rate, and requiring the Guardians of such Union or Parish respectively, within such Time as may be limited in such Precepts, to cause the aggregate of the said several Sums so stated to be paid by them, out of the Monies held by them on behalf of each such Parish, to the Treasurer of the County or Place for which such Justices act, and may cause such Precepts to be sent by Post, or otherwise, to such Guardians; and such Precepts shall have force in every such Union so far as concerns such Parishes as are within the Limits of the Commission of the said Justices, notwithstanding that the Place of meeting of such Guardians may not be situated within such Limits, and without being endorsed with the Signature of any Justice of the Peace having ordinary Jurisdiction in the Place of meeting of the Guardians; and such Guardians shall raise the Monies required by such Precepts to be paid in like Manner as the Money required by such Guardians for the Relief of the Poor, and shall pay such Monies at the Time limited and in the Manner prescribed by such Precepts; and if the Treasurer of such Guardians, or any Person on his or their Behalf, tender to the Treasurer of the County or Place for which such Justices act the aggregate of the said several Sums, or if he so tender the whole Sum assessed on any such Parish or Parishes in respect of any such Rate or Rates, together with a Copy of such Precept in which are specified the Parish or Parishes, and the Rate or Rates, in respect of which the same is so tendered, the Treasurer of the County shall receive the Sum so tendered, notwithstanding that the Sums required to be paid on behalf of other of such Parishes or of other of such Rates be not then tendered, and shall give a Receipt for the Sum or Sums received by him accordingly, but he shall not receive any Sum on behalf of any such Parish less than the whole of the Sum assessed and charged thereon in respect of one such Rate; and the Receipt of the Treasurer of such County or Place shall be a good Discharge for the Payment of the Sums specified in any such Precept or of any of them.

II. And be it enacted, That in case Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any Parish, the said Justices assembled as aforesaid may cause to be issued and sent, by Post or otherwise, to the Overseers of the Poor of such Parish, or to the Petty Constable or Peace Officer, or other Person or Persons empowered

directly to Guardians of Unions for the Payment of County Rates, &c.

Guardians to pay such Rates.

County Treasurer to receive the same.

If the Guardians fail to pay such Rates, the Justices may issue Warrants to the Overseers of Parishes, &c. to pay the same.

empowered in any Place to rate and levy the Monies assessed as such County, Police, or other Rate, Warrants to collect and pay to the Treasurer of the County or Place in which such Justices act, within a Time to be named and limited in such Warrants, the Rate or Rates charged on such Parish or Place respectively, together with an Addition to such Rate or Rates in the Proportion of One Shilling to every Ten; and such additional Sum shall be applied and disposed of in like Manner as the County Rate; and such Overseers of the Poor, Petty Constables, Peace Officers, or other Persons may reimburse themselves, as well for such additional Sums as for the original Amount of Rate or Rates, out of the Monies which they are respectively empowered to rate and levy for the Purpose of such County, Police, or other Rate, but shall not receive or take from the County Rate, or any other Rate, any Allowance or Compensation for their Trouble or Expences incurred in collecting, levying, or paying such County, Police, or other Rate.

If the Overseers, &c. fail to pay, the Justices may levy the Rate by Distress and Sale.

III. And be it enacted, That if any Overseer, Petty Constable, Peace Officer, or other Person as aforesaid refuse, make default, or neglect to pay to the Treasurer of the County or Place, within the Time limited as aforesaid, the Sum or Sums of Money specified in the said Warrants, and if the Clerk of the Peace or Treasurer of the County or Place make complaint thereof, then any Justice of the Peace of such County or Place may by Warrant under his Hand levy the same by Distress and Sale of the Goods of the Offender; and the Justices assembled as aforesaid may pay to any Clerk, Constable, Messenger, or other Person who may have been employed in making such Complaint, or in obtaining, drawing, or executing such Warrant, such reasonable Compensation out of the County Stock as to the said Justices may seem fit.

Parishes not in arrear with Contributions to be reimbursed by those which are in arrear.

IV. And be it enacted, That in every Case where any Parish comprised in an Union has, on or before the Day on which any Precept as aforesaid should be obeyed, contributed Money sufficient to enable the Guardians of the Union to pay any Sum or Sums required by such Precept in respect of such Parish, as well as to provide for the immediate Relief of the Poor of such Parish, and to satisfy all other Obligations of the said Guardians in respect of such Parish in force on that Day, and where, through the Default of any other Parish or Parishes in the same Union in contributing Money to such Guardians, or through the Neglect of such Guardians to demand sufficient Contributions from any other Parish or Parishes in the same Union, the said Guardians have applied the Money of such first-mentioned Parish to the Use of such other Parish or Parishes, and are thereby rendered unable to pay any Money so required by such Precept on behalf of such first-mentioned Parish, and such Parish is by reason thereof compelled to pay the additional Sum of One Shilling in every Ten as hereinbefore provided, in every such Case the Guardians of the Union shall reimburse such first-mentioned Parish such additional Sum, and all Costs incurred by reason of the Premises, out of the Monies of such other Parish or Parishes which may next thereafter come into the Hands of such Guardians; and in case more than One Parish be in default as aforesaid the said Guardians shall charge such additional Sum and Costs to every such Parish, in proportion

tion to the Amount of the Deficiency of the Contribution of each Parish respectively on the Day on which the said Precept should have been obeyed.

V. And be it enacted, That in the Case of every Parish not comprised within any Union, and in which the Laws for the Relief of the Poor are not administered by a Board of Guardians, and in the Case of every Parish comprised in a Union the Guardians of which are not empowered to relieve the Poor, and in the Case of any Parish comprised within a Union, or in which the Laws for the Relief of the Poor are administered by a Board of Guardians, of which Parish a Part only is situated within the Limits of the Commission of any Justices, for which Part no separate Rate is levied for the Relief of the Poor, and in the Case of every Place not maintaining its own Poor, but liable to the Payment of County, Police, or other Rates as aforesaid, the Justices assembled as aforesaid may, so soon as any Vacancy occurs in the Office of High Constable as aforesaid, issue their Warrant to the Overseers, Petty Constables, Peace Officers, or other Persons empowered by Law to rate and levy County, Police, or other Rates in such Parish, Part of a Parish, or Place, to pay to the County Treasurer, or to transmit to him in such Manner as the said Justices may from Time to Time direct, within a Time limited in such Warrant, the County Rate, Police Rate, or other Rate or Rates as aforesaid charged on them, without the Agency or Intervention of any High Constable, and such Justices may cause such Warrant to be sent by Post or otherwise; and in case the said Overseers, Petty Constable, Peace Officer, or other Person refuse or neglect to pay any such Rate within the Time limited in such Warrant, the same Remedy may be had against them as now by Law exists against Overseers neglecting to pay on the Warrant of the High Constable.

Justices may issue Precepts to the Overseers of Parishes, &c. not comprised in Unions, or only partly within the Jurisdiction of the Justices, without the Intervention of the High Constable.

VI. And be it enacted, That whenever Precepts or Warrants as provided by this Act are to be sent by Post, the Clerk of the Peace shall send every such Precept or Warrant by Post as a registered Letter, according to the Regulations of the Postmaster General in force for the Time being in that Behalf; and every Precept or Warrant delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same was so delivered or tendered; and if delivered or tendered to the Clerk or other like Officer acting for any Guardians, shall be deemed to have been served on the whole of such Guardians; and if delivered or tendered to any One Overseer of a Parish, shall be deemed to have been served on the whole of the Overseers of such Parish.

Delivery of Precepts, &c. by Post, and Evidence thereof.

VII. 'And whereas it is expedient to relieve High Constables from the Duty of serving Notices of the holding of Special Sessions on the Justices of the Peace of the Division of Special Sessions personally;' be it enacted, That from and after the passing of this Act, in all Cases in which Special Sessions are required to be holden for any Division of any County or Place, if Notice of the intended holding of such Special Sessions be signed by any One Justice of the Peace usually acting within such Division, and if a Copy of such Notice be sent by Post a reasonable

Where Special Sessions are required to be holden Notice of the same to be sent to each Justice.

Time

Time before the Day on which such Sessions are to be holden, addressed to each Justice of the Peace resident and usually acting within such Division at his Residence in such Division, such Notice shall be deemed to have been duly given to or served on each such Justice of the Peace, any Law or Custom to the contrary notwithstanding.

High Constable now appointed at Quarter Sessions to be appointed at Special Sessions.

VIII. 'And whereas it is expedient to relieve High Constables, in certain Cases, from the Duty of attending at the Court of Quarter Sessions;' be it enacted, That where High Constables have heretofore been usually appointed at Courts of Quarter Sessions the High Constables of such Places shall hereafter be appointed by such Justices as may be present at the Special Sessions of their Division held for the Purpose of hearing Appeals against the Rates of the several Parishes in such Division, or at any Adjournment thereof, but if the Hundred or other like Division of the County for which any High Constable is to be appointed be not included within the Limits of any One Division of the County for which such Special Sessions are held, then the Justices of the Peace for the County assembled at General or Quarter Sessions, or any Adjournment thereof, may from Time to Time determine the Division of the Special Sessions at which such High Constable is to be appointed, and shall cause Notice of such Determination to be sent by Post, or otherwise, to the High Constable for the Time being of such Hundred or other like Division; and every High Constable whether appointed at a Special Sessions, or at an Adjournment thereof, or at a Court Leet, or any other Special Court, shall, if present at the Time of his being appointed, then and there take his Oath for the due Execution of his Office, and if otherwise, he shall forthwith, on the Receipt of his Appointment, go before the next or some other Justice of the Peace for the County in which he resides, and then and there take his said Oath of Office, and he shall not, in virtue of his Office of High Constable, be required to take any other Oath than the said Oath for the due Execution of his Office.

High Constables to take only the Oath for due Execution of their Office.

Construction of the Words "Parish," "Union," "Guardians."

IX. And be it enacted, That in the Construction of this Act the Word "Parish" shall be construed to include any Township, Vill, or Place maintaining its own Poor, whether parochial or extra-parochial, or any Part of a Parish, Township, Vill, or other Place for which a separate Poor Rate may be made; the Word "Union" shall be construed to mean and include any Number of Parishes united under the Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, "for the Amendment and better Administration of the Laws relating to the Poor in *England*," or under an Act passed in the Twenty-second Year of the Reign of His late Majesty King *George* the Third, "for the better Relief and Employment of the Poor," or under any local Act; and the Word "Guardians" shall mean and include any Board of Guardians acting under the Provisions of the said Act passed in the Fifth Year of His late Majesty King *William* the Fourth, and empowered to relieve the Poor of any Parish or Union, and the Visitors, Guardians, Directors, Managers, Acting Guardians, Vestrymen, or other Officers in a Union appointed to act in the ordering of Relief of the Poor from the Poor Rate under any general or local Act of Parliament; and the Word "Hundred" shall

shall mean and include any Hundred, Wapentake, Ward, or other District in the Nature of a Hundred, by whatever Name denominated.

SCHEDULE to which this Act refers.

Form of Precept.

County of _____ } To the Guardians of the _____ Union.
 to wit.

THESE are to require you the Guardians of the _____ Union, from and out of the Monies paid into the Hands of the Treasurer of your Union for the Uses and Purposes of the said Union, to pay or cause to be paid, on or before the _____ Day of _____ into the Hands of *A. B.*, Treasurer of the said County, appointed to receive the same, the Sum of _____ being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the Names of the several Parishes, Townships, or Places comprised within your said Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the general County Rate, at _____ in the Pound, made at the last Quarter Sessions [*or General Sessions*] of the Peace held at _____ in and for the said County [and towards a Police Rate, at _____ in the Pound, made at the same Time and Place].

[*Signature of the Clerk of the Peace.*]

Names of Parishes.	County Rate, at in the Pound.	Police Rate, at in the Pound.
	£ s. d.	£ s. d.

C A P. XXXIV.

An Act to amend and continue until the First Day of September One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in Scotland.

[19th July 1844.]

WHEREAS an Act was passed in the Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in Scotland*, and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better regulating the Number of Prisoners admitted to the General Prison at Perth*: And whereas

2 & 3 Vict. c. 42.

5 & 6 Vict. c. 67.

‘ whereas it is expedient to make further Provision for the Improvement of Prisons and Prison Discipline in *Scotland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the last-recited Act shall be repealed.

Last-recited Act repealed.

Part of first-recited Act repealed.

II. And be it enacted, That so much of the first-recited Act as provides that all the Expences of the General Board of Directors of Prisons in *Scotland* (excepting the Salary of the Secretary) shall be defrayed by Assessment upon the Counties of *Scotland*, and Burghs situated therein, shall from and after the Commencement of this Act be repealed.

Sheriffs of Edinburgh and Perth to be Members of the General Board.

III. And be it enacted, That after the present Sheriffs of the Counties of *Edinburgh* and *Perth* (who have been appointed Members of the General Board of Directors of Prisons in *Scotland* by Her Majesty) shall respectively cease to hold their said Offices, the Sheriff of the County of *Edinburgh* for the Time being and the Sheriff of the County of *Perth* for the Time being shall be Members of the said General Board, in addition to those named or referred to in the first-recited Act; and that of the Fourteen Persons other than those referred to by their official Titles in the first-recited Act, whom Her Majesty is empowered to appoint as Members of the said General Board, Three only shall necessarily be Persons holding or who shall have held the Office of Sheriff Depute, instead of Five, as required by the first-recited Act.

General Board empowered to classify Prisoners.

IV. ‘ And whereas Doubts exist as to the Classification of certain Classes of Prisoners as Civil or Criminal Prisoners, and as to the Classification and Modification of the Discipline and Treatment of Criminal Prisoners, under the Provisions of the first-recited Act, and it is expedient that such Doubts be removed;’ be it enacted, That from and after the passing of this Act it shall be in the Power of the said General Board from Time to Time to direct the Classification of all Prisoners as Civil or Criminal Prisoners, in so far as may regard their Discipline and Treatment in Prison, and to direct the Classification of Criminal Prisoners with reference to Age, Strength, Conduct, or other Circumstances, and to modify the Discipline and Treatment in regard to Separation or otherwise of any such Prisoners or Classes of Prisoners: Provided always, that a Copy of the Regulations of the General Board for these Purposes shall be transmitted to One of Her Majesty's Principal Secretaries of State, who shall have Power to rescind or amend the same in such Manner as to him shall seem fit.

General Board may issue Declarations as to the General Prison being open for Reception of Prisoners of certain Descriptions.

V. And be it enacted, That it shall be lawful for the said General Board from Time to Time, by any Writing under the Hands of Five or more of them, which shall be published in the *Edinburgh Gazette*, and in such other Manner as they shall think proper, to make Regulations for specifying what Description of Prisoners shall be received into the said General Prison, having regard therein to the Principle, so far as the same shall be compatible with the Discipline and due Management of the said General Prison, that, all other Things being the same, those Prisoners

Prisoners whose Sentences of Imprisonment have the longest Time to run shall be preferably received into the Prison, and that no Prisoner shall be received therein the Expiration of whose Sentence shall occur within Six Months from the Date of his being so received, and to order and cause to be removed to the said General Prison all or any Prisoners falling within the Description specified in such Regulations, but so as in no ways to overcrowd the said General Prison: Provided always, that a Copy of all such Regulations shall be transmitted to One of Her Majesty's Principal Secretaries of State, who shall have Power to rescind or amend the same in such Manner as to him shall seem fit.

VI. And be it enacted, That while any such Regulations shall be in force it shall not be lawful for any Criminal Court to insert in any Sentence of Imprisonment an Order that any Prisoner not within such Specification shall be conveyed to or confined in the said General Prison, or to order such Prisoner to be conveyed to or confined in the said General Prison; and any Sentence containing any such Order shall be effectual only to the Extent of authorizing the Confinement of the Prisoner in the Prison in which he would have been legally confined if no such Order had been inserted in the Sentence of Imprisonment.

None but such Prisoners to be sent to the General Prison.

VII. And be it enacted, That nothing contained in the first-recited Act or this Act shall be taken to preclude any Criminal Court of competent Jurisdiction from sentencing to Imprisonment for One Year or upwards, in any lawful Prison other than the said General Prison, any Prisoner for whose Crime such Imprisonment shall be a suitable Punishment, and who, according to the Regulations of the said General Board, cannot be at that Time received into the said General Prison.

Prisoners for a Year may be sentenced to another Prison.

VIII. And be it enacted, That it shall be lawful for the said General Board, at any Time or Times when they may deem it necessary for the proper Accommodation of Prisoners in the said General Prison, to order and cause to be removed from the said General Prison to the several Local Prisons from which they may have been removed such Number of Prisoners as to the said General Board shall appear to be expedient; and such Removal shall be made under similar Regulations and conducted in the same Manner in which the Removal of Prisoners before the Expiration of their Sentences from the said General Prison to the Prison nearest their Residence, or in the County where their Crimes may have been committed, is by the first-recited Act directed to be made.

General Board may remove Prisoners from the General Prison to the Local Prison from which they have been removed.

IX. And be it declared and enacted, That all Removals of Prisoners made by Order of the said General Board, and also by Order of any Criminal Court, directing any Prisoner to be conveyed from the said General Prison to any Local Prison, or from any Local Prison to the said General Prison, or from any one Prison to any other Prison, may be carried into effect by means of Prison Officers, or by means of Constables or other Criminal Officers.

Removals by Prison Officers.

X. And be it enacted, That when any Criminal shall have been sentenced to Imprisonment for any Period not less than Six Months, the Clerk of the High Court of Justiciary, if such Sentence shall have been pronounced by the said High Court, or the

Return of Sentences of Imprisonment to be transmitted to the General Board.

the Clerk of the Circuit Court of Justiciary, if such Sentence shall have been pronounced by the Circuit Court of Justiciary, or the Sheriff Clerk of the Sheriffdom, if such Sentence shall have been pronounced by the Sheriff Court, shall, within Eight Days after such Sentence shall have been pronounced, make a Return thereof to the Secretary of the General Board of Directors of Prisons in *Scotland*, which Return shall be in the Form of the Schedule hereto annexed.

Sheriffs may authorize the Removal of sick Prisoners.

XI. And be it enacted, That Sheriffs within their respective Sheriffdoms shall have Power, upon summary Application by the Prison Board of the County, accompanied by proper and satisfactory Medical Certificates, to authorize the Removal of any Civil Prisoner or any Criminal Prisoner undergoing Sentence of Imprisonment who may be afflicted with any contagious or infectious Disease, or any Disease which threatens immediate Danger to Life, and cannot be treated in Prison, from any Prison within the County to any Hospital or other proper Place within the same, or to any Hospital near the same, for such Period, and under such Precautions for the safe and proper Custody of the Prisoner, and of his Re-imprisonment, as they may direct.

Certain Provisions in first-recited Act extended to Insane or Lunatic Prisoners.

XII. And be it enacted, That the Provisions made in the first-recited Act relative to the proper Custody, Treatment, and Maintenance of certain Insane or Lunatic Prisoners in a Lunatic Asylum or otherwise, and the Reservation of all competent Right of Relief of the Expences thereby incurred, shall be extended to all Insane or Lunatic Prisoners; and the Provisions made in the first-recited Act and this Act relative to the Removal of such Prisoners to a Lunatic Asylum may be carried into effect either by the said General Board, or by any County Prison Board acting under the Authority of the said General Board; and the said General Board shall also have Power to order and cause to be removed to the General Prison any Insane or Lunatic Prisoners from any Lunatic Asylum in which they may have been or may be placed under the Provisions of the first-recited Act or this Act, or from any Local Prison: Provided always, that the Insanity or Lunacy of every such Prisoner, if not previously ascertained in a Court of Law, shall be certified by the Certificates on Soul and Conscience of Two or more Medical Men, being Physicians or Surgeons, who have personally visited and carefully examined the Prisoner.

Sheriffs may dispose of Applications for Aliment, &c. of Civil Prisoners.

XIII. And be it declared and enacted, That Sheriffs within their respective Sheriffdoms shall have the like Powers and Jurisdictions as have been possessed by Magistrates of Royal Burghs, within their respective Burghs, with respect to Applications and Proceedings for Aliment and for Liberation of Civil Prisoners.

Penalty for introducing prohibited Articles into Prisons.

XIV. And be it enacted, That if any Person shall carry or bring, or attempt or endeavour, by throwing over the Walls or any other Means, to introduce into any Prison in *Scotland* any Letters, Tobacco, Spirits, or other Articles not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him or her before the Sheriff or the Sheriff Substitute of the County, or any Two Justices of the Peace of the County, who are hereby empowered to hear and determine such Offence in a summary Way; and if the Person complained of shall be

be lawfully convicted of such Offence, the Sheriff, Sheriff Substitute, or Justices shall forthwith commit such Offender to the Common Gaol or House of Correction, there to be kept, with or without hard Labour, for any Time not exceeding One Calendar Month, unless such Offender shall immediately pay down such Sum of Money, not exceeding Five Pounds, nor less than Forty Shillings, as such Sheriff, Sheriff Substitute, or Justices shall impose; and such Fine shall be applied towards the Expence of such Prosecution, and the Surplus, if any, towards the Maintenance of such Prison.

XV. And be it enacted, That *Orkney* and *Zetland*, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of the first-recited Act and this Act; and the said General Board shall be empowered to make such Division of the Assessments imposed under the first-recited Act on the said County, and of the Scale of Proportions of Assessment falling on *Orkney* and *Zetland*, and of the Number of Members of the County Prison Board thereof, and to adopt such other Measures as they shall deem just and necessary to carry this Enactment into effect; and that the Property belonging to the Crown in *Orkney* shall be assessed in like Manner as the Property belonging to other Proprietors in the Landward Part of the said County is assessed for the Purposes of the said first-recited Act and this Act.

Orkney and Zetland separate Counties for the Purposes of Prisons.

XVI. And be it enacted, That Resolutions to form Unions, for the Purpose of erecting and maintaining Local Prisons for the joint Use of Two or more Counties, may be entered into by the Commissioners of Supply of such Counties and the Magistrates of the Burghs in the said Counties, either at their respective Meetings to elect Members of their several County Boards in *April* annually, or at any other Meeting between the Day of the annual Meeting and the Thirtieth Day of *November* in any Year; and any such Resolutions may be carried into effect by such Committees as may be agreed upon; and in any Case where it shall appear to the General Board to be proper, such Unions may be formed for the Purpose of erecting and maintaining a Prison for the Custody of all Kinds of Prisoners; and when any such Union shall be formed it shall be lawful for the Sheriffs and other Magistrates of the Counties forming the same to exercise the same Jurisdiction with respect to such common Prison, and the Removal of Prisoners to and from the same, as if it were locally situated within the Limits of their respective Jurisdictions.

Union of Counties.

XVII. And be it enacted, That the first Meeting of any County Prison Board after the annual Appointment of Members may, instead of being held on the Third *Wednesday* of *May*, as provided by the first-recited Act, be held on the Day on which the Meeting of Commissioners of Supply of such County, usually holden on the Thirtieth Day of *April* in each Year, is held, provided that Notice of such Meeting of such County Board shall have been given according to the Provisions of the said first-recited Act, and such Meeting may be adjourned to a future Day, if necessary; and at such first Meeting the Sheriff of such County, or in his Absence the Sheriff Substitute acting at the Place where the Meeting is held, shall preside until a Chairman and Convenor shall be elected,

Meetings of County Prison Boards.

Vacancies may be supplied in County Boards.

And in case of Equality of Votes previous to such Election shall have a double or casting Vote; and the said Commissioners of Supply, and the Magistrates and Councils of Burghs authorized to appoint Members of County Boards, shall severally have Power from Time to Time to supply any Vacancies which may occur in their Appointment of Persons to form a County Board; and it shall be lawful to County Boards from Time to Time to supply any Vacancy which may occur in the Office of their Chairman and Convenor; and it shall not be held to invalidate the Acts of any County Board that any Commissioners of Supply or Magistrates of Burghs have failed duly to appoint the several Numbers of Persons authorized to be appointed by them as Members of County Boards, but that each County Board may act if Three Members thereof shall assemble: Provided always, that in case of Failure as aforesaid, the General Board may authorize such Commissioners of Supply or Magistrates to do what may seem to the General Board to be expedient for the due Execution of the Purposes of the first-recited Act and this Act.

County Boards may dismiss Officers, and establish a Retiring Fund.

XVIII. And be it enacted, That the County Prison Boards shall have the Power of dismissing at pleasure all Officers of Prisons and other Persons appointed by them, and shall also have Power, subject to the Approval of the General Board, to make Rules for setting apart a Portion of the Salaries or Wages of their Officers towards establishing a Fund for granting Allowances to discharged or retired Officers.

County Boards may hold Property, &c.

XIX. And be it declared and enacted, That the several County Prison Boards may acquire and hold heritable and moveable Property, Monies, Goods, and Effects; and all Titles, Securities, and Investments, and Evidences taken for the same, may be taken to the said Boards by the Name and Description of the Prison Board of the County wherein the same shall be established, without further Description; and all such Property, Monies, Goods, and Effects which shall have been or may be so taken and vested shall be deemed to be held for the Use of such Boards for the Time being, and shall pass and be transmitted to such Boards for the Time being, without the Necessity of any Conveyance or Assignment from one Board to another; and the said County Prison Boards may also, for all Purposes of civil or criminal Action or Diligence, or Reference or Arbitration, institute, defend, or enter into civil or criminal Proceedings in the Name of such Board or of their Clerk for the Time being; and no such Proceedings shall discontinue or abate by any Vacancy in any of the said Offices, but may be proceeded in to all Intents and Purposes in the Name of the Board or Clerk for the Time being; and no Judge or Sheriff or Sheriff Substitute shall be disqualified from acting as such in any such civil or criminal Proceedings by reason of being a Member of such Board.

County Boards may give up Parts of Prison Grounds, &c. for Court Rooms.

XX. And be it enacted, That it shall be lawful for County Prison Boards, with the Approbation of the said General Board, to give up or dispose of any Part of the Ground or Buildings belonging to them which may not be required for their Prisons, for the Purpose of providing Accommodation for Courts of Justice.

XXI. And be it enacted, That it shall be lawful for the said General Board to alter, as they shall think just, the Scale of Proportions of Assessment on the several Counties, for the Purpose of converting the Buildings at *Perth* into a General Prison, and of furnishing and completing the same, framed by them in Terms of the first-recited Act, according to a combined Estimate of the Amount of Population and Crime in such Counties, and from Time to Time frame a new Scale or Scales of Proportions of the said Assessment on similar Principles, having regard to the then last general Account of the Population taken by Authority of Parliament, and the more recent Materials for estimating Crime; and also to apportion and divide the whole Sums to be assessed upon each County, including the Burghs therein, in pursuance of the first-recited Act and this Act, according to the relative Population of such Burghs, and the Landward Part of such Counties respectively, as determined by such general Account of the Population, or by any Agreements made in pursuance of the first-recited Act or this Act.

Table of Assessment on Population and Crime may be altered, and last Census used.

XXII. And be it enacted, That it shall be in the Power of the Commissioners of Supply of each County, or of each County Prison Board, with the Approbation in the latter Case of the General Board, to agree that the Estimate of the Population of any Burgh within such County shall, for the Purposes of Assessment under the first-recited Act and this Act, be diminished by deducting therefrom such Amount as to the said Commissioners of Supply or County Prison Board may seem expedient; and in case of any such Agreement being made by the Commissioners of Supply, the Amount so deducted from the Estimate of the Population of any Burgh shall be added, for the Purposes aforesaid, to the Estimate of the Population of the Landward Part of such County.

Power to reduce Estimate of Population in Burghs.

XXIII. And be it enacted, That the Magistrates and Town Councils of Burghs authorized to choose Members of County Prison Boards may consent to an additional Assessment for building, altering, and repairing Local Prisons, either at their annual Meeting in *April* for the Purpose of choosing such Members, or at any Meeting to be holden between the annual Meeting and the Thirtieth Day of *November* in any Year.

Burghs may consent to additional Assessment at other Meetings than in *April*.

XXIV. And be it enacted, That in case any additional Assessment for building, altering, and repairing Local Prisons in any County shall be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, or by the Magistrates and Town Councils of Burghs situated therein entitled to choose Members of the County Prison Board on behalf of their respective Burghs, and it shall appear that the Persons on whose Behalf such Consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such several Counties and Burghs situated therein under the first-recited Act and this Act in the preceding Year, it shall be in the Power of the said General Board, if they shall think fit, to apportion and divide such additional Assessment so consented to on behalf of the Persons contributing Three Fourths of the Assessments as aforesaid, in like Manner, and as

General Board may apportion additional Assessment consented to by Three Fourths.

effectually, to all Intents and Purposes, as if the same had been duly consented to by the Commissioners of Supply of such County and the Magistrates and Town Councils of all the Burghs situated therein entitled to choose Members of the County Prison Boards.

County Boards may determine current Expences at other Meetings than in September.

XXV. And be it enacted, That County Prison Boards may from Year to Year fix the Amount of Assessment upon the several Counties and Burghs situated therein, to defray the Expence of removing Prisoners from one Local Prison to another, the Expence of the Aliment of Prisoners in the County Prison, and generally the current Expences of such Prisons, at any Meeting to be held for that Purpose in the Month of *April* or of *May* annually, if they shall think proper so to do, instead of in the Month of *September* annually, as required by the first-recited Act.

Prolongation of Time for Re-payment of additional Assessments.

XXVI. And be it enacted, That in every Case in which an additional Assessment for building, altering, or repairing Local Prisons in any County shall have been consented to and assessed under the Provisions of the first-recited Act, it shall be competent for the Commissioners of Supply of such County and the Magistrates of the several Burghs therein entitled to choose Members of County Boards, with Consent of the said General Board, to alter the Distribution of such Assessment, so as to distribute the same over a greater Number of Years, but not exceeding those which may have to elapse before the Expiration of the first-recited Act as extended by this Act; and in every Case in which an additional Assessment for building, altering, or repairing Local Prisons shall be consented to under the Provisions of the first-recited Act and this Act, it shall be competent for the said General Board, with Concurrence of the Parties consenting to such Assessment, to distribute the same over any Number of Years that shall be agreed upon, not exceeding those which may have to elapse before the Expiration of the first-recited Act as extended by this Act.

New Valuations to be made when deemed necessary by Commissioners of Supply.

XXVII. 'And whereas by the first-recited Act Power was given to the Commissioners of Supply of any County to assess the Sums annually apportioned on the Landward Part of such County, according to the real annual Value of the whole Lands and other Subjects there specified, or in any other Manner in use in such County, for any general Assessment therein for any public Purpose, and it was provided that any Valuation required to be made in order to such Assessment should from Time to Time, at Intervals of not less than Three Years, be made by and under the Direction and at the Expence of such Commissioners: And whereas such frequent Re-valuations of whole Counties will be attended with much Expence, and may be unnecessary; be it enacted, That in future it shall not be compulsory on the Commissioners of Supply to make fresh Valuations at Intervals of not less than Three Years, but that the Commissioners of Supply shall at Intervals of not less than Three Years take into consideration the Valuation then last made, and any Objections that may be stated thereto, and it shall be competent for the said Commissioners of Supply, at such Intervals, and as often as they shall deem necessary, to cause a new Valuation to be made, either of the whole County or of any Part or Parts thereof, or to cause the

last Valuation to be corrected in any Particulars in which it shall be found to be erroneous or defective.

XXVIII. And be it enacted, That it shall be lawful for the Commissioners of Supply of any County to exempt from the annual Assessment to be levied from the Landward Part of such County all and every Property the annual Value of which shall not exceed Two Pounds Sterling, provided the Proprietor of such Property shall not be possessed of Property exceeding the annual Value of Two Pounds in the whole within the Landward Part of such County liable to be assessed for such annual Assessment.

Property under 2l. may be exempted from annual Assessment.

XXIX. 'And whereas Doubts are entertained as to the Interpretation of the Expression "Property" in Burghs, in the Construction of the first-recited Act;' be it declared and enacted, That in the Construction of the said Act "Property" in Burghs shall extend to and include Houses, Shops, Warehouses, Mills, Manufactories, Cellars, Canals, Railways, Gardens, Yards, and all Lands, Buildings, and Pertinents thereof.

Interpretation of "Property" in Burghs.

XXX. And be it enacted, That the first-recited Act as amended by this Act shall continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and from thence to the End of the then next Session of Parliament.

Further Continuance of 2 & 3 Vict. c. 42.

XXXI. Provided always, and be it enacted, That the Assessment not exceeding Two thousand Pounds in any one Year, for the Purpose of raising the Sum of Twenty thousand Pounds mentioned in the said first-recited Act to be paid by the different Counties of *Scotland* and Burghs situated therein, shall not, from and after the Determination of the Assessment made for the current Year, exceed the Sum of One thousand two hundred Pounds in any succeeding Year during the Continuance of the said Act as extended by this Act.

Assessment for raising 20,000l. not to exceed 1,200l. in any One Year.

XXXII. And be it enacted, That this Act shall commence on the First Day of *September* One thousand eight hundred and forty-four, except in so far as herein otherwise directed, and shall continue in force for the Period during which the first-recited Act as amended by this Act shall be in force, and shall be taken to be Part thereof, and be construed in like Manner therewith, and shall be held to alter or repeal the same in so far as the same is at variance or inconsistent with the Provisions of this Act: Provided always, that all Assessments which shall have been made, or which, according to the Provisions of the said recited Act should have been made, before the said First Day of *September* One thousand eight hundred and forty-four, shall be levied and applied in the Manner and for the Purposes by the said Act directed.

This Act to be in force for same Time and to be construed with former Act.

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

Act may be amended, &c.

SCHEDULE.

Name.	Sex.	Age.	Occupation.	Married or Unmarried.	Offence.	County where Offence committed.	Date of Offence.	No. of previous Convictions, and from what Courts.	Sentence.	Date of Sentence.

C A P. XXXV.

An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-five the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

[19th July 1844.]

[*This Act is the same, except as to Dates, as the 6 & 7 Vict. c. 43.*]

C A P. XXXVI.

An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*.

[19th July 1844.]

‘ **W**HEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas under the Provisions of Two Acts passed respectively in the Sessions of Parliament holden in the Fifth and in the Fifth and Sixth Years of Her Majesty’s Reign, the said Acts were further continued for a Time therein limited: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts are

‘ further

‘ further continued, and will remain in force until the Thirty-first Day of July in the present Year, or, if Parliament be then sitting, until the End of the then Session of Parliament: And whereas it is expedient that the several Acts for making, amending, or repairing Turnpike Roads in Ireland should be further continued:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Act for making, amending, or repairing any Turnpike Road or Roads in Ireland (except as herein-after mentioned), which will expire on the said Thirty-first Day of July in the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty’s Reign, until the Thirty-first Day of July One thousand eight hundred and forty-five, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Acts for making or repairing Turnpike Roads in Ireland further continued.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to continue an Act passed in the Third Year of the Reign of King George the Fourth, intituled *An Act for more effectually repairing the Road leading from the City of Cork to the Town of Skibbereen in the County of Cork, and a Branch therefrom communicating with the Town of Kinsale in the said County*, except so far as the said Act repeals any former Act.

Local Turnpike Act, 3 G. 4. c. cviii., not continued by this Act, except, &c.

C A P. XXXVII.

An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools. [19th July 1844.]

‘ **WHEREAS** during several Years last past divers Sums of Money have been granted by Parliament to Her Majesty, to be applied for the Purpose of promoting the Education of the Poor in *Great Britain*, and similar Grants may hereafter be made: And whereas Her Majesty hath appointed a Committee of Her Council to receive Applications for Assistance from such Grants, and to report thereon, and to advise Her as to the Terms and Conditions upon which such Assistance shall be granted, and many such Reports have been made, and approved of by Her Majesty, and the Terms and Conditions having been assented to by the Applicants, Grants have been made out of the said Fund: And whereas in some Cases, by reason of the Deeds of Endowment of Schools in respect of which such Applications have been received having been executed before the Grant has been made, such Terms and Conditions have not and cannot be made permanently binding on the Estate; but the Parties promoting the said Schools have entered into personal Obligations or Assurances for the due Performance of such Terms and Conditions, though deriving no beneficial Interest from the charitable Institution which they have established; and it is desirable to provide per-

The Terms and Conditions upon which Parliamentary Aid has been given towards the building of Schools secured upon the Site.

‘ manent Security to Her Majesty and Her Successors for the due Fulfilment of the Terms and Conditions, and to relieve the Parties from the personal Liabilities so entered into for the Purpose aforesaid :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Grant hath been made or shall hereafter be made out of any Sums of Money heretofore granted or hereafter to be granted by Parliament for the Purposes of Education in *Great Britain*, under the Advice of any Committee of the Council on Education for the Time being, upon Terms and Conditions to provide for the Inspection of the School by an Inspector appointed or to be appointed by Her Majesty and Her Successors, which shall not be inserted in the Conveyance of the Site of the School, or in the Deed declaring the Trusts thereof, and such Grant shall be made in aid of the Purchase of the Site, or of the Erection, Enlargement, or Repair of the School, or of the Residence of the Master or Mistress thereof, or of the furnishing of the School, such Terms and Conditions shall be binding and obligatory upon the Trustees or Managers of the said School or other the Premises for the Time being, in like Manner and to the like Effect as though they had been inserted in the Conveyance of the Site of the said School, or in the Declaration of the Trusts thereof ; and henceforth all personal Obligations entered into for the Purpose of securing the Fulfilment of such Terms and Conditions shall so far as they relate thereto, but no further, be null and void : Provided nevertheless, that such Terms and Conditions shall have been or shall be set forth in some Document in Writing, signed by the Trustees of the said School or the major Part of them, or by the Party or Parties conveying the Site, in the Case where there shall have been a voluntary Gift thereof.

The Terms upon which Aid shall be granted to Trustees of ancient endowed Schools.

II. ‘ And whereas there are many Endowments for the Purpose of Education of the Poor in *Great Britain* of ancient Date, the Schools whereon have become dilapidated, and, the Funds of such Endowment being insufficient for the Restoration thereof. Application is made by the Trustees, or by the Persons acting in the Discharge of the Trusts thereof, for Aid out of the said Parliamentary Grant, but the same hath been declined, because such Applicants could not impose upon their lawful Successors in the said Trust the Conditions which the said Committee would have advised Her Majesty to require to secure the due Inspection of such Schools, and it is expedient to enable them to do so ;’ be it therefore enacted, That where the major Part of the Trustees of any endowed School for the Education of the Poor duly appointed under the Terms of the Deed of Endowment, or, when such Deed cannot be found or cannot be acted upon, of the Persons who shall be in the Possession of the Endowment, and shall be acting in the Execution of the Trusts or the reputed Trusts thereof, shall, and in Cases where there shall be a Visitor of such School with the Consent of such Visitor in Writing, apply for Aid out of such Parliamentary Grant to enable them to rebuild, repair, or enlarge the School belonging to such Endowment, or the Residence of the Master or Mistress thereof, or to furnish such School, and shall in Writing

Writing assent to the said School being open to Inspection on behalf of Her Majesty and Her Successors, if the said Committee shall deem fit to advise that any such Grant shall be made, it shall immediately after the making of such Grant, and thenceforth from Time to Time, be lawful for any Inspector of Schools appointed by Her Majesty and Her Successors, in conformity with the Terms contained in the Writing testifying such Consent as aforesaid, to enter the said School at all reasonable Hours in the Day for the Purpose of inspecting and examining the State and Condition of the School and the Scholars thereat, and of making such Report thereon, as he shall deem fit.

III. 'And whereas by an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools*, it is enacted, that any Person, being seised in Fee Simple, Fee Tail, or for Life of and in any Manor, or Lands of Freehold, Copyhold, or Customary Tenure, may grant, convey, or enfranchise, and subject to the Provisions therein mentioned, any Quantity not exceeding One Acre of Land as a Site for a School or otherwise, as therein likewise specified; and it is desirable to prevent any such Grant, being of so limited an Interest, from being defeated by the Death of the Grantor; be it enacted, That where any Deed shall have been or shall be executed under the Powers and for the Purposes contained in the said Act, without any valuable Consideration, the same shall be and continue valid if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof.

Death of Donor within Twelve Calendar Months not to avoid Grant.
4 & 5 Vict. c. 38.

IV. 'And whereas it was provided by the said Act that Grants of Land or Buildings, or any Interest therein, for the Purposes of the Education of poor Persons, might be made to the Minister of any Parish, being a Corporation, and the Churchwardens or Chapelwardens and Overseers of the Poor and their Successors, and it is sometimes found inexpedient or impracticable to introduce the Overseers as Parties to the legal Estate; be it therefore enacted, That such Grants may be made to the Minister and Churchwardens of any Parish, such Minister being the Rector, Vicar, or Perpetual Curate thereof, whether endowed or not, to hold to them and their Successors, subject to the Provisions contained in the Deed of Conveyance thereof for the Management, Direction, and Inspection of the School and Premises.

Site may be granted to the Minister and Churchwardens.

V. And be it enacted, That if the Rector, Vicar, or Perpetual Curate of any Parish shall be desirous of making a Grant of any Land for the Purposes and under the Powers of the said Act, being Part of the Glebe or other Possessions of his Benefice, and shall, with the Consent of the Patron of the said Benefice, and of the Bishop of the Diocese within which the same shall be situated, grant the same to the Minister and Church or Chapel Wardens, or to the Minister, Church or Chapel Wardens, and Overseers of the Poor of the said Parish, such Grant shall be valid, and shall thenceforth enure for the Purposes of the Trust set forth therein, if otherwise lawful, notwithstanding such Minister is the Party making the Grant.

Rector, &c., may grant to Minister and Churchwardens, or to Minister, Churchwardens, and Overseers.

VI. And be it enacted, That this Act may be altered by any other Act in this Session of Parliament.

Act may be altered, &c.

C A P. XXXVIII

An Act to amend an Act of the last Session, to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*. [19th July 1844.]

6 & 7 Vict. c. 91. ' WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland*: And whereas the Provisions of the said recited Act relative to the Recovery of Loans in a summary Manner before a Justice or Justices of the Peace do not extend to Loans secured by Notes or Securities taken by Loan Societies, in conformity with the Laws applicable thereto, previous to the Rules of such Societies being certified under the said recited Act; and it is expedient that the said Provisions of the said recited Act should be extended to all such Notes and Securities: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Treasurer, Secretary, or Clerk of any Loan Society in *Ireland*, whose Rules have been duly certified under the said recited Act, to recover in a summary Way, before One or more of Her Majesty's Justices of the Peace in *Ireland*, in the Manner prescribed by the said recited Act, the Amount due upon any Note or Security made or entered into prior to the Date of the Certificate of the Secretary of the Loan Fund Board entitling such Society to the Benefit of the said recited Act, and in conformity with the Laws applicable to such Note or Security at the Time of making the same, although such Note or Security be not in the Form or on the Paper provided by the Loan Fund Board; and all and every the Remedies and Provisions in the said recited Act contained for or relating to the Recovery and enforcing Payment of Notes and Securities made under the Authority of the said Act, and of Fines and Costs incurred in relation to the same, shall extend to and be applied to the Recovery and enforcing Payment of all and every such Notes and Securities so made and entered into in conformity to the Laws in force, and applicable thereto as aforesaid, prior to the Date of such Certificate, and of all Fines and Costs incurred or to be incurred in relation thereto.

Recovery of Amounts due to Loan Societies on Notes or Securities.

Application of the Enactments, &c. of the recited Act to the Irish Reproductive Loan Fund Institution.

II. ' And whereas by the said recited Act it was provided, that nothing therein contained should extend or be construed or taken to authorize any Interference on the Part of the said Loan Fund Board, or the Secretary or Officers thereof, in the Affairs of the *London Charitable Association*, commonly called "*The Irish Reproductive Loan Fund Institution*," or of any Trustees or Agents thereof, or of any Institution or Society in *Ireland* which was or should be established in connection with the said *Irish Reproductive Loan Fund Institution*; and various Provisions were in the said Act contained in reference to the said *Irish Reproductive Loan Fund Institution*: And whereas subsequently to the passing of the said Act the said Institution has been incorporated by Her Majesty's Letters Patent, under the Name

' of

‘ of “The *Irish* Reproductive Loan Fund Institution,” and it may ‘ be doubted whether the Provisions in the said Act contained ‘ apply to the said incorporated Society ;’ be it enacted, That all and singular the Enactments, Provisions, Stipulations, and Exemptions in the said recited Act contained in reference to the said Charitable Association, and the Secretary, Trustees, Agents, or Officers thereof, and the Institutions or Societies of Persons instituted or associated together in *Ireland* by or in connection therewith, and the Monies, Implements, Goods, and Effects of the said Association, shall extend and be applicable to the said Corporation of the *Irish* Reproductive Loan Fund Institution, and the Secretary, Trustees, Agents, and Officers thereof, and the Institutions or Societies of Persons which now are or hereafter may be instituted or associated together in *Ireland* by or in connection therewith, and the Monies, Implements, Goods, and Effects of the said Corporation, and that as fully and effectually to all Intents and Purposes as if the same were here fully and at length repeated, and the Name of the said incorporated Society were substituted for the Name of the said Charitable Association : Provided always, that in lieu of the Lists, Descriptions, Specifications, Notices, and Certificates, required by the said Act to be under the Hand and Seal of the Chairman, and countersigned by the Secretary or Manager of the said Charitable Association, it shall be sufficient that such Lists, Descriptions, Specifications, Notices, and Certificates shall be sealed with the Corporate Seal of the said incorporated Society ; and all such Lists, Descriptions, Specifications, Notices, and Certificates, so sealed with such Corporate Seal, shall have the same Force and Effect in all respects as is by the said Act given to Lists, Descriptions, Specifications, Notices, and Certificates under the Hand and Seal of the Chairman, and countersigned by the Secretary or Manager of the said Charitable Association ; and such Certificate, so sealed with the said Corporate Seal, shall be Evidence, before all Judges and Justices, and in all Courts, of the Facts therein certified, without further Proof thereof, and it shall not be necessary to prove the sealing of such Certificates : Provided also, that in all Cases where Lists, Descriptions, or Specifications shall have been sent by the said *Irish* Reproductive Loan Fund Institution, under the Provisions of the said recited Act, to the Secretary of the Loan Fund Board in *Dublin*, of any Trustees or Agents of the said Society, authorized to act in relation to the Affairs of the said Institution in *Ireland*, or of any Loan Societies in connection therewith, it shall not be necessary for the said incorporated Society to send any further or additional Lists, Descriptions, or Specifications thereof.

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

C A P. XXXIX.

An Act to exempt from the Payment of Property Tax the Dividends on certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* payable for the Quarter of the Year ending the Tenth Day of *October* One thousand eight hundred and forty-four. [19th *July* 1844.]

7 Vict. c. 5.

‘ **W**HEREAS by an Act passed in the present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, it is provided, that every Proprietor or Proprietors of the said Three Pounds Ten Shillings *per Centum* Annuities the Dividends and Interest on which are payable the Fifth Day of *January* and the Fifth Day of *July* shall receive the Dividend due thereupon for the Half Year up to the Fifth Day of *July* One thousand eight hundred and forty-four, and shall also receive One Quarter's Dividend thereon up to the Tenth Day of *October* One thousand eight hundred and forty-four, and no longer: And whereas the Property Tax payable under the Authority of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of April One thousand eight hundred and forty-five*, on such Three Pounds Ten Shillings *per Centum* Annuities, was assessed and paid on the Half Year's Dividend and Interest on the same which became payable on the Fifth Day of *July* One thousand eight hundred and forty-two; and if no Change in the Period of Payment of the half-yearly Dividends and Interest on the said Annuities had taken place the Sixth half-yearly Dividend on the same would have become payable on the Fifth Day of *January* One thousand eight hundred and forty-five, but which Sixth half-yearly Dividend will, under the Provisions of the above-recited Act, become payable on the Annuities of Three Pounds Five Shillings *per Centum per Annum* granted in lieu thereof on the Fifth of *April* One thousand eight hundred and forty-five; it is deemed just and fitting to exempt from the Assessment and Payment of Property Tax the Quarter's Dividend on the said Three Pounds Ten Shillings *per Centum per Annum* Annuities which will be payable on the Tenth Day of *October* One thousand eight hundred and forty-four, provided the Party or Parties holding the said Three Pounds Ten Shillings *per Centum* Annuities shall not have notified or shall not notify, within the Periods prescribed by the Act, their Dissent to the Conversion of the said Annuities into Three Pounds Five Shillings *per Centum* Annuities: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Assessment or Deduction for Property Tax shall

5 & 6 Vict. c. 35.

be made at the Bank of *England*, or at the Bank of *Ireland*, on the Payment of the Quarter's Dividend which will become due and payable on the Tenth Day of *October* One thousand eight hundred and forty-four, on the said Three Pounds Ten Shillings *per Centum* Annuities, under the Provisions of the before-recited Act passed in the present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum Annuities*, to such Party or Parties holding the same as shall not have notified or shall not notify, within the Periods prescribed by the said Act, their Dissent to the Conversion of such Three Pounds Ten Shillings *per Centum* Annuities into Three Pounds Five Shillings *per Centum* Annuities: Provided always, that in case the said Quarter's Dividend payable on the Tenth Day of *October* One thousand eight hundred and forty-four shall have been paid, without Deduction of Property Tax, on any Amount of Three Pounds Ten Shillings *per Centum* Annuities, the Proprietor or Proprietors of which shall afterwards signify their Dissent to the Conversion of the said Annuities into Three Pounds Five Shillings *per Centum* Annuities, within the Period prescribed by the before recited Act, it shall be lawful to deduct the same Amount of Property Tax which would have been deducted if the Dissent of the Party had been notified previously to the Tenth Day of *October* One thousand eight hundred and forty-four from the Amount of Principal Money to be paid to the Proprietor or Proprietors of the said Three Pounds Ten Shillings *per Centum* Annuities whenever such Principal shall be paid to them in consequence of their subsequent Dissent.

No Deduction for Property Tax shall be made on Dividends payable on 10th Oct. 1844.

C A P. XL.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor. [19th July 1844.]

3 & 4 Vict. c. 89.

C A P. XLI.

An Act to continue until the First Day of *August* One thousand eight hundred and forty five, and to the End of the then Session of Parliament, certain Turnpike Acts. [19th July 1844.]

C A P. XLII.

An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*. [19th July 1844.]

3 & 4 W. 4. c. 40.
7 W. 4. &
1 Vict. c. 10.

C A P.

C A P. XLIII.

An Act to amend the Laws relating to the Customs in the
Isle of Man. [19th July 1844.]

3 & 4 W. 4. c. 60.

Commencement
of Act.Duties in Table
to be levied on
Goods imported
into the Isle of
Man, except on
Corn, Grain,
Meal, or Flour.

‘ WHEREAS an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for regulating the Trade of the Isle of Man*: And whereas it is expedient to make certain Alterations therein;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the same shall come into and be and continue in full Force and Operation for the Purposes mentioned therein.

II. And be it enacted, That in lieu of all Duties of Customs, except the Duties of Customs on Corn, Grain, Meal, or Flour, now payable by Law upon the Importation of Goods, Wares, or Merchandize into the *Isle of Man*, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, the several Duties of Customs as the same are respectively set forth in Figures in the Table herein-after contained, denominated “Table of Duties,” upon the Importation or bringing into the *Isle of Man* of the several Goods, Wares, or Merchandize in the said Table mentioned, according to the Quantity or Value thereof specified in the said Table, and so in proportion for any greater or less Quantity or Value of the same; (that is to say,)

TABLE OF DUTIES.

A TABLE of the DUTIES of CUSTOMS payable on GOODS, WARES, and MERCHANDIZE imported or brought into the ISLE of MAN.

	£	s.	d.
Coals from the United Kingdom	-	-	Free.
Coffee, the Import Duties in the United Kingdom not having been there paid thereon	0	0	2
Hemp	-	-	Free.
Hops from the United Kingdom	-	-	Free.
Iron	-	-	Free.
Spirits; videlicet, Brandy, Foreign	0	4	6
Geneva, Foreign	0	2	6
Rum of the British Possessions	0	1	6
Such Spirits not exceeding the Strength of Proof by Sykes’s Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon.			
Sugar, Muscovado, of the British Possessions, and such other Sugar as if entered for Consumption in the United Kingdom would be subject, under any Act of the present Session of Parliament, to a Duty less than Sixty-three Shillings the Cwt.	0	1	0

	£	s.	d.
Sugar, Refined, in the United Kingdom, from Raw Sugar whereupon the Import Duties have there been paid - - the Cwt.	0	9	0
Tea; videlicet,			
Bohea - - - the lb.	0	1	0
Green - - - the lb.	0	1	0
Tobacco - - - the lb.	0	1	6
Segars - - - the lb.	0	3	0
Wine - - - the Tun of 252 Gallons	12	0	0
Wood, Foreign; videlicet,			
Timber, 8 Inches square and upwards, per Load of 50 Cubic Feet - -	0	8	0
Timber and Wood Goods, the Produce of the British Possessions - -			Free.
Eau de Cologne, per Flask (30 not containing more than One Gallon) - - -	0	0	4
or per Gallon - - -	0	10	0
Liqueurs - - - per Gallon	0	10	0
Goods, Wares, and Merchandize brought from the United Kingdom, and entitled to any Bounty or Drawback of Excise on Exportation from thence, and not herein-before enumerated or charged with Duty - - -			Free.
Goods, Wares, and Merchandize, the Growth, Produce, or Manufacture of and brought from the United Kingdom, and not herein-before charged with Duty - - -			Free.
Goods, Wares, and Merchandize, not the Growth, Produce, or Manufacture of the United Kingdom, but brought from thence, and having there been entered for Consumption, and the Import Duties having been there paid thereon - -			Free.
Goods, Wares, and Merchandize imported or brought from any Place from whence such Goods may be lawfully imported into the Isle of Man, and not herein-before charged with Duty, or declared to be free of Duty, for every One hundred Pounds of the Value thereof - -	15	0	0

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by any Order or Orders under their Hands, to declare that all or any Articles legally importable into the *Isle of Man*, and not enumerated in the said Table, and upon which the said Duty of Fifteen Pounds for every Hundred Pounds Value is hereby imposed, shall and may, from and after a Day to be named in the said Order or Orders, be imported from the Places and in the Manner in the said Order mentioned into the *Isle of Man* Duty-free, and that such Articles shall be imported Duty-free accordingly so long as such Order or Orders, or any Part thereof, affecting such Articles, shall continue in force: Provided always, that it shall be lawful for the said Commissioners or any Three or more of them, at any Time and from Time to Time as they shall consider expedient, by any further Order under their Hands, to revoke the Whole or any Part

Power to the Lords of the Treasury to remit and to re-impose the Duties levied on unenumerated Articles.

Orders to be published in the Gazette, and laid before Parliament.

Part of such Order or Orders for admitting the aforesaid Article or any of them into the *Isle of Man* Duty-free, such Order of Revocation to take effect from a Day to be named therein: Provided always, that all Orders of the Commissioners of Her Majesty's Treasury made in pursuance of this Enactment shall be duly published in the *London* and *Dublin* Gazettes twice at least within Fourteen Days from the Date of such Orders respectively, and that a Copy of every such Order shall be laid before both Houses of Parliament within Six Weeks after the Date of such Order, if Parliament be then sitting, and if not, then within Six Weeks after the Commencement of the then next Session of Parliament.

Schedule of Licence Goods in recited Act repealed.

IV. ' And whereas it is enacted by the said Act that certain Goods enumerated and described in a certain Schedule in the said Act, called a Schedule of Licence Goods, shall not be imported into the *Isle of Man*, nor exported from any Place to be carried to the *Isle of Man*, without the Licence of the Commissioners of Customs first obtained, nor in greater Quantities in the whole in One Year than are mentioned in the said Schedule, nor except from the respective Places set forth in the said Schedule, and according to the Rules subjoined to the said Schedule; ' be it enacted, That so much of the said Act as is herein-before recited shall be and the same is hereby repealed.

Certain Goods importable only under Licence.

V. And be it enacted, That the several Sorts of Goods enumerated or described in the Schedule to this Act annexed, denominated "Schedule of Licence Goods," shall not be brought into the *Isle of Man*, nor laden on board any Vessel to be carried from any Place to the *Isle of Man*, without the Licence of the Commissioners of Customs first obtained, nor in greater Quantities in the whole in any One Year than the respective Quantities of such Goods specified in the said Schedule, and that such Goods shall not be so brought into the said *Isle of Man* except from the respective Places set forth in the said Schedule, and according to the Rules subjoined thereto: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, upon sufficient Cause to them appearing, by any Order under their Hands, to permit the Importation into the *Isle of Man* of such additional Quantity of such several Sorts of Goods or any of them in any One Year beyond the Quantities named in the said Table as they shall in their Discretion consider expedient.

Lords of the Treasury may permit the Importation of additional Quantities.

Provisions of former Act to continue in force with respect to Licences, &c.

VI. And be it enacted, That the several Enactments and Provisions in the said recited Act contained in any way relating to Licences and licensed Goods, except so far as the same are hereby repealed, shall continue in force and apply to and in respect of all Licences to be granted under this Act, and all Goods brought into the said Island by virtue of Licences under this Act, or for the Importation of which a Licence is by this Act required, in such and the same Manner as if such Enactments and Provisions were repeated in this Act: Provided nevertheless, that any Person who, having obtained a Licence under this Act, shall not import or bring into the said Island the whole Quantity of Goods permitted to be imported or brought under such Licence, during the Period for which it shall remain in force, shall be thereby disqualified from

from receiving a Licence in the Year next following that in which his previous Licence shall have been granted.

VII. 'And whereas' an Act was passed in the Session of Parliament held in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the warehousing of Goods*: And whereas it is expedient to extend the Operation of the said Act to the *Isle of Man*, so far as relates to the Privilege of warehousing Foreign Corn, Grain, Meal, and Flour; be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury by their Warrant from Time to Time to appoint any Port or Ports in the *Isle of Man* to be Warehousing Ports for the Purposes herein-after declared, and that it shall be lawful for the Commissioners of Her Majesty's Customs, subject to the Authority and Directions of the Commissioners of Her Majesty's Treasury, by their Order, from Time to Time to appoint in what Warehouses or Places of special Security or of ordinary Security, as the Case may require, in such Port or Ports, and in what different Parts or Divisions of such Warehouses or Places, and in what Manner, any Corn, Grain, Meal, or Flour may and may only be warehoused and kept and secured without Payment of any Duty upon the first Entry thereof, and also in such Order to direct in what Cases (if any) Security by Bond shall be required in respect of any Warehouse so appointed by them.

3 & 4 W. 4. c. 57.
Corn, Grain,
Meal, and Flour
may be ware-
housed in the
Island.

VIII. And be it enacted, That all Provisions, Powers, Regulations, and Enactments in the said last-mentioned Act contained shall be construed and taken to extend and be applicable to the *Isle of Man*, so far as relates to the Articles of Corn, Grain, Meal, and Flour: Provided always, that whenever in the said last-mentioned Act any Notice, Order, or Appointment is directed to be published in the *London* or *Dublin* Gazettes respectively, it shall be necessary that any such Notice, Order, or Appointment in respect of any Warehouse in the *Isle of Man* shall be published in the *London* and *Dublin* Gazettes.

3 & 4 W. 4. c. 57.
to extend to the
Isle of Man in
respect of Corn,
Grain, Meal,
and Flour.

IX. 'And whereas the Trade between the United Kingdom and the *Isle of Man* is now on a Footing of a Foreign Trade, and is subject to the Laws and Regulations to which the Foreign Trade of this Kingdom is subject;' be it therefore enacted, That all Trade from any Port of the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to any Port of the United Kingdom, shall be deemed to be a Coasting Trade; and all Ships while employed therein shall be deemed to be Coasting Ships, and shall be subject to all the Rules, Regulations, Penalties, and Forfeitures now in force relating to Coasting Ships; and that the *Isle of Man* shall not be deemed in Law, with reference to any Part of the United Kingdom, to be Parts beyond the Seas, in any Matter relating to the Trade or Navigation or Revenue of this Realm: Provided nevertheless, that all Goods liable to Duty under this Act when brought from the United Kingdom into the *Isle of Man*, and all Vessels bringing the same, shall be liable to the same Rules and Regulations as are required by Law in respect of Goods imported into the said *Isle* from Foreign Parts, and in respect of the Vessels bringing the same; and all the Penalties and Forfeitures inflicted by Law for any Breach of the

Trade between
the *Isle of Man*
and the United
Kingdom to be
deemed coast-
wise, except as
to Articles liable
to Duty.

said Rules and Regulations shall attach upon all Goods so brought into the said Isle contrary to the said Rules and Regulations, or any of them, and upon all Persons committing any Breach of any such Rule or Regulation; and such Penalties and Forfeitures shall and may be recovered in the same Manner as any Penalty or Forfeiture may be recovered by any Act relating to the Customs.

3 & 4 W. 4. c. 57.
a. 44. repealed.

X. 'And whereas by the aforesaid Act for the warehousing of Goods it was enacted, that no Goods should be exported from the Warehouse to the *Isle of Man*, except such Goods as might be imported into the said Island with Licence of the Commissioners of Her Majesty's Customs, and in virtue of any such Licence first obtained: And whereas it is expedient that such Prohibition should be repealed;' be it therefore enacted, That so much of the last-mentioned Act as is lastly herein-before recited shall be repealed.

Warehoused Goods may be removed into the *Isle of Man*, under certain Regulations.

XI. And be it enacted, That Goods warehoused in the United Kingdom may be removed from such Warehouses into any Port in the *Isle of Man*, under such Security and under such Regulations and Conditions as are set forth in the said last-mentioned Act with respect to the Removal of warehoused Goods from one Warehousing Port to another Warehousing Port in the United Kingdom, save and except so far as the said last-mentioned Regulations apply to the warehousing such Goods at their Port of Destination.

Act not to affect Regulation as to Excise Drawbacks.

XII. And be it enacted, That nothing herein contained shall be deemed or construed to affect the Laws and Regulations now in force respecting Duties and Drawbacks of Excise on Goods exported or to be exported to the *Isle of Man*.

Sugar on which Bounty allowed.

XIII. And be it enacted, That any Sugar upon which any Bounty shall have been allowed under any Act relating to the Customs may be removed to the *Isle of Man*.

Bond given not to re-land such Sugar.

XIV. And be it enacted, That before any such Sugar shall be removed to the *Isle of Man* the Person removing the same shall give Bond to Her Majesty, with One sufficient Surety, that the same shall be duly landed in the *Isle of Man*, and shall not be re-landed in any Part of the United Kingdom.

Foreign Goods, except Corn, not to be exported.

XV. And be it enacted, That it shall not be lawful to carry any Goods, not being of the Growth, Produce, or Manufacture of the *Isle of Man* or of the United Kingdom, except Corn, Grain, Meal, or Flour, in any Ship, from the *Isle of Man* to any Port or Place in the United Kingdom.

Sugar and Rum, other than described in Table, prohibited.

XVI. And be it enacted, That it shall not be lawful to import or bring into the *Isle of Man* any Sugar or Rum other than that enumerated and described in the Table of Duties herein-before contained.

Goods imported, carried, or brought contrary to the Act, to be forfeited.

XVII. And be it enacted, That if any Goods shall be imported into or exported from the *Isle of Man*, or shall be carried coastwise from one Part of the said Isle to another Part of the said Isle, or from the United Kingdom to the said Isle, or from the said Isle to the United Kingdom, or shall be water-borne, or brought to any Wharf or Place with Intent to be water-borne, to be so exported or carried, contrary to any of the Directions or Provisions of this Act, the same, and the Packages containing the same, shall be forfeited, together with all Ships, Vessels, or Boats, and

Forfeiture of Vessels.

and all Cattle and Carriages used or employed therein; and every Person offending therein shall forfeit for every such Offence the Sum of One hundred Pounds, or the full Amount of all Duties which would be payable in respect of similar Goods the Produce of Foreign Countries if imported into and entered for Home Consumption in the United Kingdom, at the Election of the Commissioners of Customs. Penalty.

XVIII. And be it enacted, That the Duties of Customs shall be raised, levied, collected, paid, recovered, and accounted for under the Authority and Direction or under the Management and Control of the Commissioners of Her Majesty's Customs; and, except the necessary Charges of raising, collecting, levying, recovering, and accounting for the same, the said Rates and Duties shall from Time to Time (subject to the Deductions herein-after mentioned) be brought and paid into the Receipt of Her Majesty's Exchequer, distinctly and apart from all other Branches of the Public Revenue, and shall go to and make Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that any of the Collectors of Customs of the said Isle shall retain, and he and they is and are hereby authorized and required, agreeably to such Directions as shall from Time to Time be given for that Purpose by the Commissioners of Her Majesty's Customs, to retain such Sum or Sums of Money in his or their Hands as may be sufficient to defray the necessary Expences attending the Government of the said *Isle of Man* and the Administration of Justice there, and other Charges incurred in the said Isle which have heretofore been or may hereafter be deemed fit and proper Charges to be deducted from and paid out of the Duties of Customs collected in the said *Isle of Man*; and upon the Amount of the said Expences and Charges being ascertained the said Commissioners are hereby authorized to direct the same to be paid, out of the said Monies so retained, to such Person or Persons as may be entitled to receive the same. Management of Duties.

Duties to be paid into the Exchequer.

Parts of Duties may be retained for Expences of the Government.

XIX. 'And whereas by an Act passed in the Fifty-fourth Year of the Reign of King *George the Third*, intituled *An Act to repeal the Duties granted by an Act passed in the Eleventh Year of His present Majesty, for repairing, amending, and supporting the several Harbours and Sea Ports in the Isle of Man, and for granting new Duties in lieu thereof, and for giving further Powers to the Commissioners appointed under the said Act*, certain Harbour Duties were imposed on Ships and Vessels, Goods, Wares, and Merchandize, arriving at and imported into the *Isle of Man*, and certain Rates were also imposed on Boats and Vessels employed in the Herring Fishery on the Coasts thereof: And whereas it is expedient that the said Harbour Duties and Rates should be repealed, and that such other Provisions as herein-after is expressed should be made for the Purposes for which such Duties and Rates were so imposed; be it therefore enacted, That from and after the passing of this Act the said Duties and Rates imposed by the lastly herein-before recited Act upon Ships and Vessels, Goods, Wares, and Merchandize, arriving at and imported into the *Isle of Man*, and on Boats and Vessels employed in the Herring Fishery on the Coasts thereof, shall be repealed. Harbour Duties under 54 G. 3. c. 43. repealed.

Annual Sum of 2,300*l.* to be paid from Duties under this Act to Harbour Commissioners.

XX. And be it enacted, That the Collectors of Customs of the said Isle shall, out of the Duties collected under this Act, pay to Her Majesty's Receiver General in the said *Isle of Man*, to be applied as herein-after is mentioned, yearly and every Year, the Sum of Two thousand three hundred Pounds, by Four equal quarterly Payments, on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, the First of such Payments to be made on the First Day of *October* One thousand eight hundred and forty-four; and the same shall be applied by the said Harbour Commissioners to the same Purposes to which the Duties imposed by the said Act, and hereby repealed, would be lawfully applicable by the said Harbour Commissioners.

Prohibition to import Spirits, &c. repealed.

XXI. And be it enacted, That so much of the said Act for regulating the Trade of the *Isle of Man* as prohibits the Importation into the said Isle of Spirits of greater Strength than One to Nine over Hydrometer Proof shall be and the same is hereby repealed.

Manx Vessels of Fifty Tons registered Burden to be entitled to the Privileges of Vessels of Sixty.

XXII. And be it enacted, That all Vessels registered at any Port in the said *Isle of Man*, and *bonâ fide* the Property of Inhabitants thereof, being so registered as of the Burden of Fifty Tons, shall, with regard to Coasting Trade between the *Isle of Man* and the United Kingdom, be entitled to all the Privileges to which Vessels registered in the United Kingdom as of Sixty Tons Burden are by Law entitled.

Act may be amended, &c.

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

SCHEDULE to which the foregoing Act refers.

SCHEDULE OF LICENCE GOODS.

Spirits; videlicet,				
Foreign Brandy	-	-	-	Gallons 20,000
— Geneva	-	-	-	Ditto 20,000
Liqueurs	-	-	-	Ditto 50
Eau de Cologne	-	-	-	Ditto 50
	From the United Kingdom, or from any Place from which the same might be imported into the United Kingdom, for Consumption therein.			
Rum of the British Plantations	-	-	-	Gallons 70,000
Tobacco	-	-	-	Pounds 55,000
Segars	-	-	-	Ditto 5,000

From the United Kingdom.

RULES REFERRED TO IN THIS ACT.

(1.) All such Goods to be imported or brought into the Port of Douglas, and by Her Majesty's Subjects, and in British Ships or Vessels of the Burden of Fifty Tons or upwards.

(2.) Such Tobacco to be shipped only in Ports in the United Kingdom where Tobacco is allowed to be imported and warehoused without Payment of Duty.

(3.) Such

(3.) Such Rum, Brandy, and Geneva to be imported or brought in Casks containing not less than Twenty Gallons each.

(4.) That the respective Quantities of such Spirits shall be estimated according to the Strength of Proof by Sykes's Hydrometer.

(5.) No Drawback of Excise to be allowed on any such Goods until a Certificate of the due landing of the Goods at the Port of Douglas be produced from the Collector and Controller of the Customs at that Port.

(6.) If any such Goods be laden at any Foreign Port or Place, the Species and Quantity of such Goods, with the Marks, Numbers, and Denominations of the Casks or Packages containing the same, shall be endorsed on the Licence, and signed by the British Consul at the Port of Lading, or, if there be no British Consul, by Two known British Merchants.

(7.) Upon Importation into the Port of Douglas of any such Goods the Licence for the same shall be delivered up to the Collector or Controller of that Port.

C A P. XLIV.

An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called *Scotland*.

[19th July 1844.]

‘ **WHEREAS** by certain Acts of the Parliament of *Scotland*
 ‘ Provision is made for disjoining large Parishes and building and erecting new Churches; and in particular by an Act passed in the Parliament of *Scotland* in the Year One thousand seven hundred and seven, intituled *Act anent Plantation of Kirks and Valuation of Teinds*, the Lords of Council and Session are empowered, authorized, and appointed to judge, cognosce, and determine in all Affairs and Causes whatsoever which by the Laws and Acts of Parliament of the Kingdom of *Scotland* were formerly referred to and did pertain and belong to the Jurisdiction and Cognizance of the Commissioners formerly appointed for the Plantation of Kirks and Valuation of Teinds, as fully and freely in all respects as the said Lords do or may do in other civil Causes; and particularly, *inter alia*,
 ‘ “ to disjoin too large Paroches, to erect and build new Churches, to annex and dismember Churches, as they shall think fit, conform to the Rules laid down and Powers granted by the Nineteenth Act of the Parliament One thousand six hundred and thirty-three, the Twenty-third and Thirtieth Acts of the Parliament One thousand six hundred and ninety, and the Twenty-fourth Act of the Parliament One thousand six hundred and ninety-three, in so far as the same stand unrepealed; the transporting of Kirks, disjoining of too large Paroches, or erecting and building of new Kirks, being always with the Consent of the Heritors of Three Parts of Four at least of the Valuation of the Paroch whereof the Kirk is craved to be transported, or the Paroch to be disjoined and new Kirks to be erected and built:”
 ‘ And whereas it is expedient to afford Facilities and to make
 Q 3 further

So much of recited Act as requires the Consent of Three Parts of the Heritors repealed.

Consent of Majority to be sufficient.

Largeness of the Population to be a Reason for Division of Parish.

Non-consent of Heritors not to be deemed valid Objection to Process for disjoining Parishes.

Where Proof is given that a sufficient Church Accommodation exists in the new Parish, Lords of Council may allow Process to proceed.

' further Provision for the disjoining or dividing of extensive and populous Parishes : ' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act so much of the said recited Act as requires the Consent of the Heritors of Three Parts of Four at least of the Valuation of the Parish whereof the Kirk is craved to be transported, or the Parish to be disjoined and new Kirks to be erected and built, shall be repealed; and that the Consent of the Heritors of a major Part of the Valuation of any Parish shall be necessary and sufficient in all Cases in which the Consent of the Heritors of Three Parts of Four of the Valuation of such Parish was required by the said recited Act, except where otherwise herein-after expressly provided.

II. And be it enacted and declared, That a Parish may be deemed and held to be too large, and may, as such, be disjoined or divided under the Provisions of the said recited Act as altered and amended by this Act, by reason of the Largeness of the Population of such Parish, although the superficial Measurement thereof may not be too large for one Parish.

III. And be it enacted, That it shall not be a valid Objection to the Competency of any Process which shall be brought for disjoining or dividing a Parish or Parishes and erecting a new Kirk or Kirks, under the Provisions of the said recited Act as altered and amended by this Act, that the Consent of the Heritors of a major Part of the Valuation of the Parish to be disjoined or divided had not been given previous to such Process having been brought into Court; and it shall be lawful for the Lords of Council and Session before whom any such Process shall have been brought to appoint special Intimation thereof to be made, in such Form and Manner as the said Lords of Council and Session shall direct, to such of the Heritors of the Valuation of the Parish as shall not have already either given their Consent or judicially stated their Dissent, and to sist Proceedings in such Process for a definite Time for the Purpose of allowing such Heritors to state judicially their Consent or their Dissent; and such of them as shall not within a Time to be fixed by the said Lords of Council and Session, and to be specified in such Intimation as aforesaid, judicially state their Dissent, shall, on computing the statutory Proportion of Consents, be reckoned as consenting Heritors.

IV. And be it enacted, That if, in any Process for disjoining or dividing a Parish, it shall be shown to the Satisfaction of the Lords of Council and Session that there is already built or erected and in good Repair a Church or Place of Worship suitable for the Church of the new Parish proposed to be erected, and capable of being lawfully appropriated to that Purpose, whereby the Expence of erecting a new or additional Church will not be incurred by the Heritors, and that the Titulars or others having Right to the Teinds out of which is to be paid not less than Three Fourths of the additional Stipend or Stipends to be modified by reason of such Disjunction or Division have consented thereto, or have stated no Objection thereto, after due Intimation by Direction of the Lords of Council and Session to them given, it shall be lawful

and competent for the said Lords of Council and Session to allow such Process to proceed, and to give Judgment and Decree therein, if, upon Consideration of the whole Case, it shall appear to them that there are good and sufficient Reasons for so doing, although the Heritors of a major Part of the Valuation of the Parish to be disjoined or divided may not have consented.

V. And be it enacted, That when any Parish or Parishes shall have been disjoined or divided, and a new Parish erected, under the Provisions of the said recited Act as altered and amended by this Act, the Patronage of such new Parish shall belong to the Patron of the original Parish from which the same has been disjoined or divided; or if the new Parish has been disjoined or divided from more than one Parish having different Patrons, the Patronage of such new Parish shall belong to the Patrons of the Parishes from which the same has been disjoined or divided, and shall be exercised by them, either jointly or in a certain Order of Rotation as may have been agreed upon by them, or failing of such Agreement, then their respective Interests in the Right of Patronage, and the Manner of exercising the same, shall be fixed by the Lords of Council and Session, and in either Case shall be set forth in a Judgment to be pronounced by the said Lords of Council and Session in the Process for erecting such new Parish: Provided always, that such Patron or Patrons of the original Parish or Parishes from which the new Parish has been disjoined or divided shall undertake to bear the Burden of not less than One Half of the Stipend to be provided to the Minister of such new Parish: Provided also, that no Patron of any of the original Parishes, who shall not bear the Burden of One Fourth Part of the Stipend of the Minister of the new Parish, shall have any Right or Interest in the Patronage of such new Parish by virtue of his Right of Patronage in such original Parish; and in every Case in which the Patron or Patrons of the original Parish or Parishes shall not bear the Burden of not less than One Half of the Stipend to be provided to the Minister of the new Parish, the Patronage of such new Parish, and the Right of Presentation to the Kirk thereof, shall belong to the Person if there be only One such Person, or to the Persons alternately if there are more than One and not more than Three such Persons, who shall bear the Burden of the whole Stipend provided for the Minister of such new Parish at the Erection thereof, and to the Heirs of such Person or Persons; and if the Persons who bear the Burden of such Stipend shall exceed Three in Number, then the Patronage of such new Parish, and the Right of Presentation to the Kirk thereof, shall be vested in and be exercised by Three Trustees, or, in case of Difference of Opinion, by the Majority of Three Trustees, who shall be chosen for their respective Lives in manner following; (that is to say,) the Three Trustees first chosen shall be elected by a Majority of Votes at a Meeting of the Heritors of such new Parish, and of the Persons who are liable in payment of Stipend to the Minister thereof, or who have contributed the Sum of Five Pounds towards the Fund out of which any Part of the Stipend is provided, or towards the Expence of providing the Church for such new Parish; and upon the Death, Disability, or Resignation of any

Patronage in
new Parishes.

of the Trustees so chosen, another Trustee in his Place shall be elected for Life by the Heritors and Kirk Session of the Parish; and as often as any Vacancy shall happen by the Death, Disability, or Resignation of any Trustee, his Place shall be supplied in like manner by another Trustee, to be elected for Life by the Heritors and Kirk Session of the Parish: Provided always, that no Person shall be qualified to hold the Office of Trustee who is not a Member of the Church of *Scotland* in full Communion therewith.

In certain Cases a Parish, though divided, may remain as one Parish for Purposes of Poor.

VI. And whereas in some large and populous Parishes which it may be considered necessary or proper to divide into Two or more Parishes there are a Number of poor Persons, the greater Portion of whom reside in or near the same Locality, such Locality being sometimes the least wealthy, whereby the particular territorial Division of such large and populous Parish, which would be most expedient and advantageous in other respects, would operate injuriously or unjustly if each of the new Parishes into which it may be divided was left to provide from its own Resources for that Portion of the Poor of the original Parish resident within the Territory of such new Parish; be it enacted, That it shall be lawful for the said Lords of Council and Session, if they see Cause so to do in any Judgment to be by them pronounced dividing or disjoining a Parish, to declare and provide, that, notwithstanding such Division or Disjunction, the original Parish and the several new or separate Parishes thereby erected within the Bounds thereof shall, in so far as regards the Support and Management of the Poor, and all Matters and Questions connected therewith, remain and be regarded as one Parish; and in every such Case there shall be one Kirk Session, consisting of the Members of the Kirk Sessions of all the Parishes within the Bounds of the original Parish, in all Matters and Questions relating to the Support and Management of the Poor; and the Session Clerk of the original Parish shall, during his Incumbency, act as Clerk of the said Kirk Session in all such Matters and Questions.

Division of a Parish not to affect Law as to Roads.

VII. And be it enacted, That no Division of any Parish shall affect the Law and Practice already existing in such Parish as to the Management of Roads, or as to the levying or applying the Statute Labour or Conversion of Statute Labour within the Bounds of the original Parish so divided, but the same shall continue to be managed, levied, and applied as if no such Division had taken place, unless it shall be considered expedient by the County or District Trustees for the Conversion of the Statute Labour to make a new Arrangement for allocating the Management of the Roads and Statute Labour, or Conversion Money, in reference to the Alteration of Circumstances consequent on such Division of the Parish as aforesaid.

Where a Church is built and endowed, a District may be attached thereto.

VIII. And be it enacted, That if any Person or Persons shall, at his, her, or their Expence, have built or shall have acquired, or shall have undertaken to build or acquire, a Church, and shall have endowed or shall have undertaken to endow the same, it shall be competent for the Lords of Council and Session, acting in their Capacity aforesaid of Commissioners for the Plantation of Kirks and Valuation of Teinds, and they are hereby empowered and

and authorized, on the Application of such Person, or of such Persons where they do not exceed Five in Number, or of Two Thirds or any Ten of such Persons where they do exceed Five in Number, and without any Concurrence of Heritors, to inquire into the Circumstances, and to erect such Church into a Parish Church in connexion with the Church of *Scotland*, and to mark out and designate a District to be attached thereto *quoad sacra*, and to disjoin such District *quoad sacra* from the Parish or Parishes to which the same, or any Part thereof, may have belonged or been attached, and to erect such District into a Parish *quoad sacra* in connexion with the Church of *Scotland*; and it shall and may be lawful for the Minister and Elders of such Parish to have and enjoy the Status and all the Powers, Rights, and Privileges of a Parish Minister and Elders of the Church of *Scotland*: Provided always, that nothing herein contained shall be construed so as to deprive any Party who has a legal Interest in the Fabric of any Place of Worship of any Right which by Law belongs to such Party to prevent such Place of Worship from being used or appropriated for a Place of Worship in connexion with the Church of *Scotland*: Provided also, that due Intimation of every such Application as aforesaid shall be made to all Parties having Interest, that they may have an Opportunity of appearing and being heard; which Intimation may be made by Notice in the *Edinburgh Gazette*, or by Advertisement in One or more *Edinburgh* Newspapers of general Circulation, or in any other Form or Manner that may be directed by the Lords of Council and Session in any Act or Acts of Sederunt, or any Order to be made by them for that Purpose: And provided also, that the Titles to the said Church shall be taken and conceived so as that the said Church shall be inalienably secured as the Church of the said new Parish in connexion with the Church of *Scotland*, and that due Provision shall be made for the future Maintenance of the Fabric of the said Church; and that the Endowment for the Minister of the said new Parish shall be not less than a Stipend of One hundred Pounds *per Annum*, or Seven Chalders of Oatmeal, to be calculated at the highest Fiars of the County, exclusive of the Sum necessary for Communion Elements, with a suitable Dwelling House or Manse and Offices and Appurtenances, or a Stipend of not less than One hundred and twenty Pounds, or Eight and a Quarter Chalders of Oatmeal, to be calculated at the highest Fiars of the County, *per Annum*, where there shall be no such Dwelling House or Manse; and that such Stipend of not less than One hundred Pounds, or not less than One hundred and twenty Pounds, shall be permanently provided and secured in all Time coming for the Minister of the said Parish; and that if there shall be a Dwelling House or Manse, the Title to such Dwelling House or Manse and Offices and Appurtenances shall be taken and conceived so that such Dwelling House or Manse and Offices and Appurtenances shall be inalienably secured as the Dwelling House or Manse and Offices and Appurtenances for the Minister of the said Parish; and that due Provision shall be made for the future Maintenance of the Fabric of such Dwelling House or Manse and Offices and Appurtenances, all to the Satisfaction of the said Lords of Council and Session; and the Right of Presbyteries to present

Endowment of
Minister.

present to vacant Parishes *jure devoluto*, according to the Law of Scotland, shall have Place in regard to all Parishes erected *quoad sacra* as aforesaid, in the same Manner as in regard to other Parishes.

Sittings.

IX. And be it enacted, That in every such Church as aforesaid a Portion of the Sittings therein, to be determined by the Sheriff of the County in which such Church is situated, and not exceeding One Tenth of the whole Sittings, shall be set apart as free Seats for all Persons frequenting the same; and another Portion of the Sittings therein, not exceeding One Fifth of the whole Sittings, shall be let at Rents not exceeding a Rate to be fixed by the Presbytery of the Bounds; and the remaining Portion of the Sittings may be let in such Manner as shall be agreed upon by the Minister for the Time being, and the Person or Persons liable for the Repair of the Church and for the Stipend of the Minister, or in case of not agreeing, then in such Manner as shall be determined by the Sheriff of the County as aforesaid: Provided always, that One Pew shall be appropriated, Rent-free, for the Accommodation of the Family of the Minister, and another Pew for the officiating Elders; and the Pew or Seat Rents of any such Church as aforesaid may be expended and applied for the Purpose of defraying the necessary Expences of a Precentor, a Beadle or Kirk Officer, and other Expences necessarily incurred in dispensing the Ordinances of Religion therein, and not otherwise provided for, and for the Purpose of upholding in due Repair and improving the Fabric of such Church, or of the Dwelling House and Offices of the Minister, or for the Relief of any Person or Persons who may have undertaken or become liable to uphold the same, or who may be liable for the Endowment or Stipend provided and secured for the Minister of such Church; and it shall be lawful to make Collections at the Door of any such Church for any of the Purposes aforesaid: Provided also, that the Sum received by any Person liable to uphold the Church or Dwelling House, or liable for the Endowment or Stipend as aforesaid, shall not in any Year exceed the Sum paid or expended by such Person in the same Year by reason of such Liability.

Sites for Churches may be granted.

X. And be it enacted, That it shall and may be lawful for any Heritor or for any Heir of Entail in Scotland, Trustee, Tutor, and Curator of Minors, and every Person lawfully empowered to act for Persons under any legal Disability or Incapacity, to give and grant heritably and irredeemably such Land or Heritage belonging to them or under their Management as may be necessary for the Site of such Church, Dwelling House, and Offices as aforesaid, and also a Portion or Portions of Land near the same for a Churchyard or for a Glebe, and not exceeding in the whole Four Acres; which Portion or Portions of Land shall, at the Sight of the Sheriff of the County wherein the same is situated, or of some Person appointed by the Sheriff for that Purpose, be marked out and set apart as the Churchyard and as the Glebe to belong to such new Parish in all Time coming, and, having been so given, granted, marked out, and set apart, shall not be liable to or affected by any other Rights, Titles, Trusts, Interests, or Incumbrances to, in, or upon the same whatsoever; and such Heir of Entail shall not thereby be subject to nor incur any Forfeiture

Forfeiture or Irritancy under any Deed of Entail by virtue of which he or she may hold the said Land or Heritage; and such Trustee, Tutor, or Curator, or other Person as aforesaid, shall be indemnified for what he may do in the Premises: Provided always, that the Power hereby given to any Heir of Entail, Trustee, Tutor, and Curator of Minors, and every Person lawfully empowered to act for Persons under legal Disability or Incapacity, shall not in any Case extend to or be understood to comprehend a Power of giving and granting any Lands or Heritages within Half a Mile of the Manor Place in the natural Possession of the Proprietor, or of giving and granting any or any Part of any Gardens, Orchards, or Inclosures adjacent to the Manor Place which have usually been in the natural Possession of the Proprietor, or have not been usually let for a longer Term than Seven Years, when the Heir in possession was of lawful Age, and not under any legal Disability or Incapacity: Provided also, that no such Grant as aforesaid by any Heir of Entail in possession, or by any Trustee, Tutor, Curator, or other Person lawfully empowered to act as aforesaid for any such Heir of Entail, shall be effectual, unless the Heir of Entail nearest in succession, of lawful Age, and not under any legal Disability or Incapacity, shall have consented to such Grant, which Consent may be given by Letter or other Writing under the Hand of such Heir of Entail nearest in succession, and shall be proved to the Satisfaction of the said Sheriff of the County: Provided also, that no Trustee, Tutor, or Curator of Minors, or Person lawfully empowered to act for Persons under legal Disability or Incapacity, shall make any such Grant as aforesaid without adequate Consideration for the same either in Price or Feu Duty, the Adequacy of which Consideration shall be proved to the Satisfaction of the said Sheriff of the County before the Portion or Portions of Land shall be marked out or set apart as aforesaid.

XI. And be it enacted, That it shall and may be lawful for any Heir of Entail in *Scotland* to burden the Lands and Estate of which he or she is in possession as Heir of Entail aforesaid, lying within any District to be marked out and designated as aforesaid, or to give Security over the same for the annual Payment out of the clear yearly Rents and Profits of the said Lands and Estate of any Sum not exceeding Three Pounds *per Centum* of such clear yearly Rents and Profits, after deducting all prior Burdens and Provisions, as the same shall be ascertained by an Average of the Five Years immediately preceding such Burden or Security, and in no case exceeding the yearly Sum of One hundred and twenty Pounds, for the Purpose of endowing or contributing to the Endowment of such new Parish as aforesaid; and also to burden such Lands and Estate or give Security over the same for upholding in due Repair the Fabric of the Church of such new Parish, and the Dwelling House and Offices of the Minister, or any of them; the Sums to be expended in such Repairs not exceeding in any one Year One Pound *per Centum* on the Amount of Money originally expended in building or purchasing and completing such Church, or upon the estimated Value thereof when received and recognized as the Church of such new Parish, and One Pound *per Centum* on the Amount of Money originally expended in building

Lands may be
burdened for
Endowments.

'building or purchasing and completing such Dwelling House and Offices, or upon the estimated Value thereof; and such Heir of Entail shall not, by reason of such acting as aforesaid, be subject to nor incur any Forfeiture or Irritancy under any Deed of Entail by virtue of which he or she may hold such Lands or Estate, and such Burdens and Securities shall be as valid and effectual against such Lands and Estates as if the same had not been entailed: Provided always, that no such Burden or Security as aforesaid shall be effectual unless the Heir of Entail nearest in succession, of lawful Age, and not under legal Disability or Incapacity, shall have consented thereto, which Consent may be given judicially, or by Letter or other Writing under the Hand of such Heir of Entail nearest in succession: Provided also, that if such Heir of Entail nearest in succession as aforesaid shall be an Heir of the Body of the Heir of Entail in possession who intends to create such Burden or Security, then such Heir of Entail in possession shall, Three Months at least before creating the same, give Notice of such his Intention, in Writing, to the Heir of Entail next entitled to succeed to the said Estate, after the Heirs of his own Body, if within *Great Britain* or *Ireland*, and, if the Heir next entitled to succeed is not within *Great Britain* or *Ireland*, to his nearest Male Relation by the Father, of lawful Age, or to his known Factor or Attorney; and before any such Burden or Security as aforesaid shall be created, Evidence shall be produced, to the Satisfaction of the said Lords of Council and Session, that such Consent as aforesaid, and such Notice as aforesaid, where required, have been given, and that the Means of Public Worship for the Inhabitants of such District are wanting, and cannot be adequately provided unless the Power hereby given of burdening the entailed Estate shall be exercised to the Extent proposed.

For administering Religious Service in the Gaelic Language.

XII. 'And whereas in some populous Parishes and Districts ' in the Low Country of *Scotland*, particularly in large Towns ' and in the Neighbourhood of Cities and Royal Burghs, there ' are a great Number of Persons, Natives of the Highlands and ' Islands of *Scotland*, who do not understand the *English* Language ' so as to be capable of receiving the full Benefit of Religious ' Instruction in *English*, or of having the Ordinances of Religion ' administered to them with Advantage in that Tongue: And ' whereas it is expedient that some Provisions should be made ' for enabling such Persons to obtain Religious Instruction, and ' to have the Ordinances of Religion administered to them, in ' the *Gaelic* Language;' be it enacted, That in disjoining or dividing any large or populous Parish or Parishes in which there are a great Number of such Persons, it shall and may be lawful to make Provision for the Spiritual Wants of such Persons by appointing Religious Instruction to be communicated to them, and the Ordinances of Religion to be dispensed among them, in the *Gaelic* Language.

A separate Parish may be formed for that Purpose.

XIII. And be it enacted, That where a separate Church shall have been erected for any such *Gaelic* Congregation, and a permanent Endowment shall have been secured for the same, either from Teinds or otherwise, to the Satisfaction of the said Lords of Council and Session, it shall and may be lawful to erect such Church and the Congregation thereof into a separate Parish, although

although the Members of such Congregation may be scattered, and no territorial District may be assigned to such Parish exclusively; and it shall and may be lawful for the Minister or Ministers and Elders of such Parish to have and enjoy the Status and all the Powers, Rights, and Privileges of a Parish Minister or Parish Ministers and Elders of the Church of *Scotland*: Provided always, that nothing herein contained shall be construed as giving to the Minister or Ministers and Elders of any such *Gaelic* Congregation right to exercise pastoral Superintendence and Discipline over Persons who are not either Members of such *Gaelic* Congregation, or of the Families of such Members, or resident within the territorial District, if any, which may be assigned to such Parish exclusively.

XIV. ' And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for building additional Places of Worship in the Highlands and Islands of Scotland*; and another Act was passed in the Fifth Year of the Reign of His said late Majesty, King *George* the Fourth, intituled *An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland*: And whereas, under the Authority and Provisions of the said Two last-mentioned Acts, several additional Places of Worship have been built or provided, and certain Districts have been defined or set apart for the Benefit of which the said Places of Worship were built or provided, and Ministers have been appointed to officiate at such Places of Worship and in such Districts, and Dwelling Houses and Appurtenances have been built or provided for the Ministers so officiating; and Provision has been made for the Payment to such Ministers of Stipends not exceeding the Sum of One hundred and twenty Pounds *per Annum* in any one Case; and Provision is made by the said last-mentioned Act for upholding in repair such Places of Worship and Dwelling Houses and Appurtenances;' be it enacted, That upon Application by the Presbytery within which any such Place of Worship is situated, or by One or more Heritors holding together One Fourth Part of the Valuation of the District defined and set apart as the District for the Benefit of which such Place of Worship has been provided, or of Her Majesty's Advocate for *Scotland*, it shall and may be lawful for the said Lords of Council and Session, acting as aforesaid, to disjoin such District from the Parish or Parishes to which the same or any Part thereof may have belonged or been attached, and to erect the same into a Parish *quoad sacra*; and in every such Case the Place of Worship built or provided as aforesaid may be held and appointed to be the Church of such Parish, and the Dwelling House and Appurtenances provided for the Minister may be held and appointed to be the Dwelling House of the Minister of such Parish; and the Provisions contained in the said Two last-mentioned Acts may be held and taken to be sufficient Provisions for upholding in repair such Church and Dwelling House and Appurtenances, and a Stipend of One hundred and twenty Pounds, payable under the Provisions of the said Acts, may be held to be sufficient Stipend for the Minister of the said Parish; and it shall and may be lawful for the Minister and Elders of such Parish to have and enjoy the

For forming certain Highland Churches into Parishes.

4 G. 4. c. 79.

5 G. 4. c. 90.

Status

Status and all the Powers, Rights, and Privileges of a Parish Minister and Elders of the Church of *Scotland*.

Charge of Church, &c. thenceforth to lie on Parties liable thereto by Law of Scotland.

XV. And be it enacted, That if in any Case in which a Place of Worship has been built, and a District has been defined and set apart, under the Provisions of the said Two last-recited Acts, Application shall be made to the said Court to erect such District alone, or such District with Additions thereto, into a new Parish *quoad omnia*, with the requisite Consent of Heritors, and that the said Court shall give effect to such Application, it shall and may be competent for the said Court to declare and appoint the Place of Worship already erected in such District to be the Church of such new Parish, and to appoint and declare the Dwelling House already erected for the Minister to be the Manse of such new Parish; and the Commissioners under the said last-recited Acts shall thereupon cease to hold such Place of Worship and such Dwelling House for the Purposes of the said last-recited Acts; and the Provisions contained in the said last-recited Acts for upholding such Place of Worship and such Dwelling House in repair shall cease and determine, and the Burden of upholding the same shall fall on the Parties who by the Law of *Scotland* would be bound to uphold the Church and Manse of the Parish, if such Church and Manse had been appointed to be built for the newly-erected Parish; and in fixing the Stipend to be paid to the Minister of such newly-erected Parish, the said Court shall compute as Stipends the Sum paid by Authority of the said last-recited Acts to the Minister in such District, which Sum shall be continued to be paid to the Minister of such newly-erected Parish: Provided always, that the Right of Her Majesty, Her Heirs and Successors, to nominate and appoint the Minister to such Church and District shall remain entire, notwithstanding the Erection thereof into a separate Parish.

Provisions of 50 G. 3. c. 84. and 5 G. 4. c. 72. not to extend to Parishes erected under the present Act.

XVI. And be it enacted, That the Provisions of the Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for augmenting Parochial Stipends in certain Cases in Scotland*, and the Provisions of the Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for amending and rendering more effectual an Act for augmenting Parochial Stipends in certain Cases in Scotland*, shall not be extended to any new Parishes erected under the Provisions of this Act, although the Stipend or Endowment modified or provided for the Minister of any such new Parish should be less than One hundred and fifty Pounds Sterling.

Act may be amended, &c.

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

C A P. XLV.

An Act for the Regulation of Suits relating to Meeting Houses and other Property held for religious Purposes by Persons dissenting from the United Church of *England* and *Ireland*.

[19th July 1844.]

WHEREAS an Act was passed in the First Session of the First Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for exempting Their Majesties Protestant Subjects dissenting from the Church of England from the Penalties of certain Laws*: And whereas an Act was passed in the Nineteenth Year of the Reign of King *George* the Third, intituled *An Act for the further Relief of Protestant Dissenting Ministers and Schoolmasters*: And whereas an Act was passed in the Fifty-third Year of the Reign of King *George* the Third, intituled *An Act to relieve Persons who impugn the Doctrine of the Holy Trinity from certain Penalties*: And whereas an Act was passed by the Parliament of *Ireland* in the Sixth Year of the Reign of His Majesty King *George* the First, intituled *An Act for exempting the Protestant Dissenters of this Kingdom from certain Penalties to which they are now subject*: And whereas an Act was passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to relieve Persons impugning the Doctrine of the Holy Trinity from certain Penalties in Ireland*: And whereas prior to the passing of the said recited Acts respectively, as well as subsequently thereto, certain Meeting Houses for the Worship of God, and Sunday or Day Schools (not being Grammar Schools), and other charitable Foundations, were founded or used in *England* and *Wales* and *Ireland* respectively for Purposes beneficial to Persons dissenting from the Church of *England* and the Church of *Ireland* and the United Church of *England* and *Ireland* respectively, which were unlawful prior to the passing of those Acts respectively, but which by those Acts respectively were made no longer unlawful: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That with respect to the Meeting Houses, Schools, and other charitable Foundations so founded or used as aforesaid, and the Persons holding or enjoying the Benefit thereof respectively, such Acts, and all Deeds or Documents relating to such charitable Foundations, shall be construed as if the said Acts had been in force respectively at the respective Times of founding or using such Meeting Houses, Schools, and other charitable Foundations as aforesaid.

1 W. & M.
sess. 1. c. 18.

19 G. 3. c. 44.

53 G. 3. c. 160.

6 G. 1. (1.)

57 G. 3. c. 70.

Recited Acts, as well as all Deeds, &c. to be construed as if the Acts had been in force at the Time of the Foundation of such Meeting Houses, &c.

II. And be it enacted, That so far as no particular religious Doctrines or Opinions, or Mode of regulating Worship, shall on the Face of the Will, Deed, or other Instrument declaring the Trusts of any Meeting House for the Worship of God by Persons dissenting as aforesaid, either in express Terms, or by reference to some Book or other Document as containing such Doctrines or Opinions or Mode of regulating Worship, be required to be taught or

The religious Doctrines or Opinions for the Preaching or Promotion of which the Meeting House may be held to be collected

from 25 Years Usage, where not expressly stated in the Deed of Trust.

or observed or be forbidden to be taught or observed therein, the Usage for Twenty-five Years immediately preceding any Suit relating to such Meeting House of the Congregation frequenting the same shall be taken as conclusive Evidence that such religious Doctrines or Opinions or Mode of Worship as have for such Period been taught or observed in such Meeting House may properly be taught or observed in such Meeting House, and the Right or Title of the Congregation to hold such Meeting House, together with any Burial Ground, Sunday or Day School, or Minister's House attached thereto; and any Fund for the Benefit of such Congregation, or of the Minister or other Officer of such Congregation, or of the Widow of any such Minister, shall not be called in question on account of the Doctrines or Opinions or Mode of Worship so taught or observed in such Meeting House: Provided nevertheless, that where any such Minister's House, School, or Fund as aforesaid shall be given or created by any Will, Deed, or other Instrument, which shall declare in express Terms, or by such Reference as aforesaid, the particular religious Doctrines or Opinions for the Promotion of which such Minister's House, School, or Fund is intended, then and in every such Case such Minister's House, School, or Fund shall be applied to the promoting of the Doctrines or Opinions so specified, any Usage of the Congregation to the contrary notwithstanding.

Act not to affect any Judgment, &c. of a Court of Law or Equity, and Court may give Defendants the Benefit of Act in Suits now pending.

III. Provided always, and be it enacted, That nothing herein contained shall affect any Judgment, Order, or Decree already pronounced by any Court of Law or Equity; but that in any Suit which shall be a Suit by Information only and not by Bill, and wherein no Decree shall have been pronounced, and which may be pending at the Time of the passing of this Act, it shall be lawful for any Defendant or Defendants for whom the Provisions of this Act would have afforded a valid Defence if such Suit had been commenced after the passing of this Act to apply to the Court wherein such Suit shall be pending; and such Court is hereby authorized and required, upon being satisfied by Affidavit or otherwise that such Suit is so within the Operation of this Act, to make such Order therein as shall give such Defendant or Defendants the Benefit of this Act; and in all Cases in which any Suit now pending shall be stayed or dismissed in consequence of this Act, the Costs thereof shall be paid by the Defendants, or out of the Property in question therein, in such Manner as the Court shall direct.

C A P. XLVI.

An Act to continue, until the Fifth Day of April One thousand eight hundred and forty-six, Compositions for Assessed Taxes; and to amend certain Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes. [29th July 1844.]

6 & 7 Vict. c. 24.

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled An Act to continue, until the Fifth Day of April One thousand eight hundred and forty-five, Compositions for Assessed Taxes; and to amend the Laws relating to the Land and Assessed Taxes,

‘ and also the Laws relating to the Duties on Profits arising from
 ‘ Property, Professions, Trades, and Offices, the Compositions for
 ‘ Assessed Taxes entered into or renewed under the Authority
 ‘ of an Act passed in the Fourth and Fifth Years of the Reign of
 ‘ His late Majesty King *William* the Fourth were continued until
 ‘ the Fifth Day of *April* One thousand eight hundred and forty-
 ‘ five, and it is expedient to continue the same for the further
 ‘ Term of One Year.’ Be it therefore enacted by the Queen’s
 most Excellent Majesty, by and with the Advice and Consent of
 the Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, That all
 Contracts of Composition for the Duties of Assessed Taxes now in
 force shall be and the same are hereby continued in force for a
 further Term of One Year, to be computed from the Fifth Day of
April One thousand eight hundred and forty-five, and to deter-
 mine on the Fifth Day of *April* One thousand eight hundred and
 forty-six, under the same Rules, Regulations, and Privileges as if
 such Compositions did not by the Laws now in force expire before
 the last-mentioned Day; and all the Powers and Provisions of the
 several Acts relating to or continuing such Compositions, or for
 collecting or enforcing Payment thereof, shall be extended and
 applied to the Contracts of Composition continued under this Act,
 to all Intents and Purposes as if the same had been herein repeated
 and re-enacted.

Compositions
 for Assessed
 Taxes con-
 tinued for a
 further Term
 of One Year,
 ending 5th
 April 1846;

II. Provided always, and be it enacted, That this Act shall not
 extend to the Contract of Composition of any Person who shall be
 desirous of determining the same on the Fifth Day of *April* One
 thousand eight hundred and forty-five, and who shall on or before
 the Tenth Day of *October* One thousand eight hundred and forty-
 four give Notice thereof in Writing to the Assessor or Collector of
 the Parish or Place, or to the Surveyor acting in the Execution
 of the Acts relating to the Duties of Assessed Taxes for the Dis-
 trict in which such Composition shall be payable.

except in Cases
 where Parties
 shall give No-
 tice to deter-
 mine the same
 on the 5th Day
 of April 1845.

III. ‘ And whereas Difficulties have arisen in carrying into exe-
 ‘ cution the several Acts relating to the Duties of Assessed Taxes,
 ‘ and the Duties on Profits arising from Property, Professions,
 ‘ Trades, and Offices, in divers privileged and other Places, by
 ‘ reason of Doubts as to whether such Places are extra-parochial,
 ‘ or included within or forming Part of any Parish, Tithing, or
 ‘ Place for which separate Assessments of the said Duties have
 ‘ been usually heretofore made;’ for Remedy whereof be it enacted,
 That it shall be lawful for the Commissioners of Stamps and Taxes,
 or any Two or more of them, and they are hereby authorized and
 empowered, from Time to Time, by any Order in Writing under
 their Hands, to order and direct that any privileged or other Place,
 whether extra-parochial or not, but not being itself an entire Parish,
 shall, for the Purposes of assessing, charging, collecting, and levy-
 ing the said Duties respectively, and for all other the Purposes of
 the several Acts aforesaid, be deemed to be within or Part of such
 District or Division, and within or Part of such Parish, Tithing,
 Ward, or Place respectively, as shall appear to the said Commis-
 sioners to be most convenient and proper for the Purposes afore-
 said, and thereupon such privileged or other Place shall be deemed
 to be within or Part of such District or Division, and within or

Commissioners
 of Stamps and
 Taxes em-
 powered to di-
 rect within
 what Districts
 and Parishes
 privileged and
 other Places
 shall be rated
 to the Assessed
 Taxes and
 Property Tax.

Part of such Parish, Tithing, Ward, or Place, according to such Order, for all the Purposes aforesaid; and the said respective Duties shall be assessed, charged, raised, collected, and levied within such privileged or other Place, and upon the Occupiers or Inhabitants thereof, by or under the Authority of the Commissioners appointed or authorized to put in execution the said respective Acts in the District or Division, and by the Assessors, Collectors, or other Officers appointed for the Parish, Tithing, Ward, or Place within or Part of which such privileged or other Place shall be by any such Order as aforesaid declared or directed to be deemed to be, any Law, Statute, or Usage to the contrary notwithstanding: Provided always, that it shall be lawful for the said Commissioners of Stamps and Taxes, or any Two of them, to revoke any such Order, and to substitute any other Order in lieu thereof, from Time to Time as often as it shall appear to the said Commissioners to be expedient so to do: Provided also, that no such Order shall prejudice or affect any Assessment of the said respective Duties for any Year prior to that in which such Order shall be made; but that all such Duties assessed and charged for any previous Year shall be collected, levied, and recovered by the same Persons, under the same Authority, and in like Manner as they would have been if such Order had not been made.

Mode of proceeding to make the Assessments of the Duties in the Year in which any Order is made for annexing any privileged or other Place to a Parish for the Purposes of the said Acts.

IV. And be it enacted, That where before or at the Time of the making of any such Order as aforesaid any Assessment of the said respective Duties or either of them shall have been made for such privileged or other Place as aforesaid, or upon the Occupiers or Inhabitants thereof, in or for the Year in which such Order shall be made, whether the same shall be a separate Assessment for such privileged or other Place, or Part of or included in the Assessment for any Parish, Tithing, Ward, or other Place, in case the Duties so assessed shall not have been previously paid and discharged, the Surveyor of the said Duties shall certify the Particulars of every such Assessment to the Commissioners acting in the Execution of the said Acts respectively for the District and Parish, Tithing, Ward, or Place, within or Part of which such privileged or other Place shall be by such Order declared or deemed to be; and where at the Time of the making of any such Order as aforesaid no Assessment of the said respective Duties shall have been made for such privileged or other Place as aforesaid, or upon the Occupiers or Inhabitants thereof, in or for the said Year, or in case there shall be any Omission of any Person, Article, Matter, or Thing in or from any such Assessment as last aforesaid which shall have been made, or any insufficient Rate or Amount of Duty charged thereby, it shall be lawful for the Surveyor of the said Duties to certify in like Manner to the said Commissioners the Particulars of any Assessment which ought to be made upon any Occupier or Inhabitant of such privileged or other Place, and of any increased Rate or Amount of Duty which ought to be charged upon any such Occupier or Inhabitant; and in any of the several Cases aforesaid the said Commissioners shall cause the Particulars so certified to them as aforesaid to be inserted or included in or added to the Assessment of the like Duties made or to be made for the same Year in or for the Parish, Tithing, Ward, or Place within or Part of which such privileged or other Place

Place shall be by such Order as aforesaid declared or deemed to be, and shall cause the Duties to be assessed and charged thereon or in respect thereof according to such Certificate, and thereupon the said Duties shall be deemed to be Part of the last-mentioned Assessment for all Intents and Purposes whatsoever, and shall be collected, received, levied, accounted for, and paid over by the Collectors or other Persons appointed or to be appointed or authorized to collect, receive, or levy the Duties contained in the said Assessment, without any further or other Warrant or Order in that Behalf: Provided always, that every such Assessment or Charge of Duties made in pursuance of such Certificate of the Surveyor as aforesaid shall be subject to an Appeal by the Party charged with or liable to the Payment of the said Duties, upon his giving Notice in Writing to such Surveyor of his Intention to appeal against such Assessment or Charge within Ten Days after the Particulars thereof shall have been notified to such Party; and every such Appeal shall be heard and determined by the said respective Commissioners within their District at such Time and Place as they shall appoint for that Purpose, of which due Notice shall be given to the Party assessed or charged as aforesaid.

V. ' And whereas by the said Acts relating to the said respective Duties the Commissioners for putting the same in execution respectively are required or directed to hold certain Meetings, and to appoint certain Officers, and also to do and perform divers other Acts, Matters, and Things, in the Execution of the Powers and Provisions of the said Acts, before or upon certain Days or Times appointed and prescribed by the said Acts for such Purposes respectively: And whereas, in Cases where the said Commissioners have omitted to put in execution the Powers and Provisions of the said Acts, within or at the Times so appointed and prescribed as aforesaid, Doubts have arisen as to the Legality of their Execution of such Powers and Provisions at any subsequent Period, and it is expedient to remove such Doubts; be it therefore enacted, That where in any Case the said respective Commissioners have neglected or omitted, or shall hereafter neglect or omit, to hold any Meeting, or to appoint any Officer, or to do or perform any other Act, Matter, or Thing, in the Execution of the Powers and Provisions of the said Acts respectively, within or at the Time directed, appointed, or prescribed by the said Acts in that Behalf, the holding of such Meeting, and the Appointment of such Officer, and the Performance of any such other Act, Matter, or Thing as aforesaid at any other Time or Times, shall, notwithstanding any such Neglect or Omission, be and be deemed to have been respectively as good, valid, and effectual to all Intents and Purposes as if the same respectively had been held, made, done, or performed within or at the Time and according to the Manner and Circumstances directed, appointed, or prescribed as aforesaid, any thing in the said Acts contained to the contrary thereof notwithstanding.

VI. ' And whereas by the said Acts relating to the said Duties respectively the Commissioners acting in the Execution thereof are required to direct their Precepts to such Inhabitants of each Parish, Ward, or Place, and such Number of them, as they shall think most convenient, to be Presenters and Assessors for such

Execution of the Powers of the Acts by the Commissioners declared valid, although not within the Times prescribed for that Purpose.

Penalty on Persons refusing to appear before the Commissioners to be appointed Assessors, or

submit to be appointed, 10/.

' Parish, Ward, or Place; requiring them to appear before the said Commissioners at such Place and at such Time as they shall appoint, in order that such of the said Inhabitants as the said Commissioners shall think proper may be appointed Assessors of the said several Duties: And whereas it frequently happens that the Persons to whom such Precepts are directed wilfully disobey the same, whereby the Execution of the said Acts is greatly impeded; be it therefore enacted, That if any Person to whom any such Precept as aforesaid shall be directed shall wilfully neglect or refuse to appear before the said respective Commissioners according to the Tenor and Effect thereof, or having appeared, shall refuse to submit to be appointed an Assessor of the said Duties or of either of them respectively, in the Manner and Form by the Statute in such Case directed and provided, every Person so offending in any such Case as aforesaid shall forfeit and pay for every such Offence the Sum of Ten Pounds, to be recovered and applied in like Manner as any Penalty incurred under the said Acts or any of them may be recovered and applied.

Recital of 49 G. 3. c. 32, and c. 110. granting Duties of 1s. and 6d. on Offices and Employments.

VII. ' And whereas by an Act passed in the Forty-ninth Year of the Reign of King George the Third, intituled *An Act for continuing and making perpetual several Duties of One Shilling and Sixpence, repealed by an Act of the last Session of Parliament, on Offices and Employments of Profit, and on Annuities, Pensions, and Stipends, and thereby granted for One Year to the Twenty-fifth Day of March One thousand eight hundred and nine*, certain Rates and Duties of One Shilling and Sixpence respectively specified and contained in the Schedule to the said Act annexed were granted and made payable: And whereas another Act was passed in the same Session of Parliament to rectify a Mistake in the last-recited Act: And whereas it is expedient to make Provision for the Appointment of Commissioners to execute the said last-recited Acts in certain Cases; be it therefore enacted, That where in any Case there is or shall be any Failure in the Appointment of Commissioners for executing the said recited Acts, whether the same shall proceed from the Want of legal Authority in any Person or Persons to make such Appointment, or from the Neglect or Omission of any Person or Persons having such Authority to appoint such Commissioners, or from any other Cause, it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Writing under their Hands, to appoint Commissioners for putting in execution the said recited Acts passed in the Forty-ninth Year of the Reign of King George the Third, and the Powers therein referred to or contained in relation to the said respective Rates and Duties of One Shilling and Sixpence, in the several Departments or Districts throughout *Great Britain*; and such Commissioners so to be appointed as last aforesaid are hereby empowered and required to do all things necessary for putting the said recited Acts in execution with relation to the said respective Rates and Duties, in the like and in as full and ample a Manner as any Commissioners appointed or authorized by or under the Authority of any former Act or Acts could or might at any Time heretofore put in execution the said recited Acts.

Commissioners of the Treasury empowered to appoint Commissioners for executing the recited Acts, with relation to the said Duties.

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

C A P XLVII.

An Act to amend and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in Ireland.

[29th July 1844.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, intituled *An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland*: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, and for the better Payment of their Wages, for One Year, and from thence to the End of the then next Session of Parliament*: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend and continue to the Twenty-seventh Day of July One thousand eight hundred and forty-three, and to the End of the next Session of Parliament, an Act of the Third and Fourth Years of Her present Majesty, for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in Ireland, and for the better Payment of their Wages*: And whereas it is expedient that the first herein-before recited Act should be continued, with such Amendments as are herein-after contained, and that the secondly and thirdly herein-before recited Acts should also be continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first herein-before recited Act, except as to such Parts thereof as have been repealed by the said secondly herein-before recited Act, and subject to the Amendments herein-after contained, and the said secondly and thirdly herein-before recited Acts, shall be continued and shall be and remain in force from the passing of this Act for Five Years, and until the End of the next Session of Parliament.

5 & 6 W. 4. c. 27.

3 & 4 Vict. c. 91.

5 & 6 Vict. c. 68.

Continuation of Acts.

II. And whereas several of the Penalties imposed by the said first herein-before recited Act for the Offences therein described are directed to be not less in Amount than certain Sums in the said Act respectively named, and it is expedient that Power should be given to the convicting Justices still further to lessen the same; be it therefore enacted, That it shall be lawful for any Justices or Justice or Chief Magistrate by whom any Person shall be convicted of any Offence under the said first herein-

Further Powers granted to Justices in awarding the Penalties assigned by the Act 5 & 6 W. 4. c. 27.

before recited Act to award, in respect of any Offence punishable under the said Act, any Penalty whatsoever, not being greater than the maximum Penalty assigned for such Offence by the said Act; and the said Act shall hereafter take effect and be continued as if no such minimum Limits as are herein-before referred to had been respectively assigned to the Penalties thereby imposed.

Fairs and Markets for Linnen to be held between Ten and Two o'Clock throughout the Year.

III. ' And whereas by the said first-mentioned Act it is enacted, that for the Purposes thereof all Linnen which shall be sold or exposed for Sale within the Custom Gaps or Custom Gates of any Fair or Market on the respective Fair or Market Days, between the Hours therein-after mentioned, (that is to say,) between Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon from the Twenty-fifth Day of *March* until the Twenty-fifth Day of *September* in each Year, and between Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon from the Twenty-fifth Day of *September* until the Twenty-fifth Day of *March* in each Year, shall be deemed and taken to be sold or exposed for Sale in open Fair or Market, and none other; any Law, Usage, or Custom to the contrary notwithstanding: And whereas it is expedient that the Hour of Ten of the Clock in the Forenoon, from the Twenty-fifth Day of *September* to the Twenty-fifth Day of *March* in each Year, should be fixed, instead of Eleven of the Clock in the Forenoon during the like Period, as the Time at which open Fairs and Markets should, for the Purposes of the said first herein-before mentioned Act, be deemed to commence; be it therefore enacted, That from and after the passing of this Act all Linnen that shall be sold or exposed for Sale within the Custom Gaps or Custom Gates of any Fair or Market on the respective Fair Days, between the Hour of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, whatever may be the Period of the Year, shall for the Purposes of this Act be deemed and taken to be sold or exposed for Sale in open Fair or Market, and none other; any thing in the said first herein-before recited Act, and any Law, Usage, or Custom, to the contrary notwithstanding.

Public Act.

IV. And be it enacted, That this Act, and the several Acts herein-before recited, shall be deemed and taken to be Public Acts, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Extent of Act.

V. And be it enacted, That this Act shall extend to *Ireland* only.

Act may be amended, &c.

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

C A P. XLVIII.

An Act to repeal certain Acts for regulating the Trade in Butter and Cheese. [29th July 1844.]

4 W. & M. c. 7.

' WHEREAS an Act was passed in the Fourth Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act to prevent Abuses committed by the Traders in Butter and Cheese*: And whereas an Act was passed in the

‘ *Thirty-sixth Year of the Reign of King George the Third, intituled An Act to prevent Abuses and Frauds in the packing, Weight, and Sale of Butter; and to repeal certain Acts relating thereto: And whereas an Act was passed in the Thirty-eighth Year of the Reign of King George the Third, intituled An Act for amending and rendering more effectual an Act made in the Thirty-sixth Year of the Reign of His present Majesty, intituled An Act to prevent Abuses and Frauds in the packing, Weight, and Sale of Butter; and to repeal certain Acts relating thereto: And whereas it is expedient that the herein-before recited Acts should be repealed, except as herein-after is expressed: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Acts shall be repealed, but not so as to revive any Act or any Part of any Act repealed by any of the Acts hereby repealed.* 38 G. 3. c. 86.
38 G. 3. c. 73.

Recited Acts repealed.

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

C A P. XLIX.

An Act for the better Regulation of Colonial Posts.

[29th July 1844.]

‘ **W**HEREAS by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for the Management of the Post Office*, it was provided, that the Postmaster General should have the exclusive Privilege (except in the particular Cases therein mentioned) of conveying Letters from one Place to another, wheresoever, within the United Kingdom or other Her Majesty’s Dominions, Posts or Post Communications then were or might be thereafter established; and by another Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, the Postmaster General was empowered to charge such Rates of Postage as the Commissioners of Her Majesty’s Treasury might from Time to Time, by Warrant under their Hands, direct, on Letters conveyed by Post between Places therein mentioned where Post Communications should be established, and where Rates of Postage had not hitherto been authorized by Law: And whereas, in certain of Her Majesty’s Colonies in which Posts or Post Communications have been or may be established by the Postmaster General, Rates of Postage have been already authorized to be taken: Now be it enacted and declared by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which Posts or Post Communications have been established by the Postmaster General in any of Her Majesty’s Colonies, and Rates of Postage, by Warrant under the Hands of the Commissioners of Her Majesty’s Treasury, or any Three of them, have been directed to be charged by the Postmaster General on Letters conveyed by Post between Places within 7 W. 4. & 1 Vict. c. 33.
3 & 4 Vict. c. 96.
Rates of Postage established by the Postmaster General to be deemed authorized by recited Acts.

within such Colonies, the same shall be deemed and taken to have been authorized by the said recited Acts, any thing to the contrary notwithstanding.

Postmaster
General may
establish Posts
in the Colonies.

II. And it is hereby enacted and declared, That it shall be lawful for the Postmaster General for the Time being, from Time to Time, to establish any Posts or Post Communications in any of Her Majesty's Colonies, or in any of the Cities or Towns within any such Colony, or the Suburbs thereof, and to alter or annul any of the Posts or Post Communications already established or hereafter to be established in any of the said Colonies, Cities, Towns, or Suburbs, as he shall deem expedient, and to appoint sufficient Deputies, Agents, and Servants under him, for the better managing the Post Office Revenue, at any Place or Places where such Posts or Post Communications already have been or may hereafter be established, and such Deputies, Agents, and Servants from Time to Time to suspend, remove, or displace, and to appoint others in their Place or Stead; and whenever any such Posts or Post Communications shall be established in any of the said Colonies, all Colonial Legislative Acts and Colonial Ordinances relating to the Post or Postage of Letters in force within any such Colony shall cease and determine.

Commissioners
of the Treasury
may establish
Rates of Post-
age, and alter
them from
Time to Time.

III. And be it enacted and declared, That it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time and at all Times after the passing of this Act, by Warrant under their Hands, to alter and fix any of the Rates of Colonial Postage payable by Law for the Transmission of Letters by the Post, and to subject the same to Rates of Postage according to the Weight thereof, and a Scale of Weight to be contained in such Warrant, and from Time to Time, by Warrant as aforesaid, to alter or repeal any such altered Rates, and make and establish any new or other Rates in lieu thereof, and the Rates of Colonial Postage from Time to Time to become payable under or by virtue of any such Warrant shall be charged and paid accordingly, and from Time to Time, by Warrant as aforesaid, to appoint at what Time the Rates which may be payable are to be paid; and the Power hereby given to alter and fix Rates of Postage shall extend to any Increase or Reduction or Remission of Postage.

Warrants
establishing
Rates of Post-
age to be pub-
lished in Lon-
don Gazette.

IV. And be it enacted, That in all Cases in which any Rates of Colonial Postage shall be made payable under or by virtue of any Warrant of the Commissioners of Her Majesty's Treasury under this Act, every such Warrant shall be published in the *London Gazette*, and shall, within Fourteen Days after making the same, be laid before both Houses of Parliament if then sitting, or otherwise within Fourteen Days after Parliament shall re-assemble: Provided that any Rates made payable by any such Warrant may be demanded and taken at any Time after they shall have been so published in the *London Gazette*, although the same shall not then have been laid before Parliament.

Colonial Rates
of Postage to
be paid over to
Postmaster
General.

V. And be it enacted, That the Rates of Colonial Postage now or hereafter payable within any of Her Majesty's Colonies, where Posts or Post Communications have been or shall hereafter be established by or under the Authority of Her Majesty's Postmaster General, shall be charged by and be paid to Her Majesty's Postmaster General for the Time being, or his Deputies or Agents in such

such Colony, and, after deducting the Expences of Collection and Management of the Post Office in any such Colony, and Payment of the Salaries and Wages of the Officers and Servants employed in or about the same, shall be appropriated and applied, by or under the Authority of the Postmaster General for the Time being, to the Improvement and Extension of the Posts and Post Communications of the Colony within which such Postage shall be raised, and the Surplus thereof shall be applied for the Public Service of such Colony, and the Support of the Government thereof, in such Manner as the Commissioners of Her Majesty's Treasury for the Time being may from Time to Time by Writing under their Hands direct.

VI. And be it enacted, That the Postage, whether *British* or *Foreign* or *Colonial*, marked on any Letter brought into any of Her Majesty's Colonies or Dominions, shall, in all Courts of Justice and other Places within the said Colonies and Dominions, be received as conclusive Evidence of the Amount of *British* or *Foreign* or *Colonial* Postage payable in respect of such Letter, in addition to any other Postage chargeable thereon; and all such Postage shall be recoverable, within Her Majesty's Colonies and Dominions, as Postage due to Her Majesty.

Postage Mark to be Evidence of Amount of Postage.

VII. And be it enacted, That so much of the Thirty-third Section of the said Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, as contains the Words "and where Rates of Postage have not hitherto been authorized by Law," shall be and the same is hereby repealed.

Repeal of certain Provision in secondly-recited Act.

VIII. And be it enacted, That the Term "*Colonial Letters*" used in the Fifty-eighth Section of the said last-mentioned Act shall include all Letters transmitted by the Post between Places within any of Her Majesty's Colonies, or between any of such Colonies, or between any of the Colonies and the United Kingdom or a Foreign Country.

Defining the Term "*Colonial Letters*."

IX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time and at all Times after the passing of this Act, by Warrant under their Hands, to extend to all or any of Her Majesty's Colonies any of the Enactments, Clauses, and Provisions (not then relating to or affecting the Colonies) contained in the said last-mentioned Act, and also any of the Enactments, Clauses, and Provisions (not then relating to or affecting the Colonies) contained or which may be contained in any other of the Post Office Acts now or hereafter to be in force, and from Time to Time to revoke any such Warrant; and during the Time any such Warrant shall be unrepealed the Enactments, Clauses, and Provisions which may be so extended to any such Colonies shall be in force in such Colonies in like Manner as if the same had been declared by any such Acts to extend to such Colonies.

Commissioners of the Treasury may extend Provisions of Post Office Acts to other Colonies.

X. And be it enacted, That the following Terms and Expressions whenever used in this Act shall have the several Interpretations herein-after respectively set forth, unless such Interpretations are repugnant to the Subject or inconsistent with the Context of the Provisions in which they may be found; (that is to say,) the Term "*Letter*" shall include Post Letters and Packets, Newspapers,

Construction of Terms.

papers, Votes and Proceedings of the Imperial Parliament, and Votes and Proceedings of the Legislatures of any of Her Majesty's Colonies or Provinces, Pamphlets and other printed Papers; and the Term "Colonial Postage" shall include the Postage on Letters and Newspapers, and other Papers and Packets transmitted by the Post within any of Her Majesty's Colonies; and that the several other Terms and Expressions used in this Act shall be construed according to the respective Interpretations contained or referred to in the said Act of the Third and Fourth Years of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, as far as those Interpretations are not repugnant to the Subject, or inconsistent with the Context of such Terms or Expressions.

3 & 4 Vict. c. 96.

Act may be amended, &c.

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

C A P. I.

An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons.

[29th July 1844.]

5 & 6 Vict. c. 53.

Agreements contemplated by the recited Act may be contingent on Grant of Sessions of the Peace.

‘ WHEREAS an Act was passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to encourage the Establishment of District Courts and Prisons*, and it is expedient that the said Act be amended, for the Purpose of removing Doubts as to the Manner of putting the said Act in force with respect to those Boroughs to which a separate Court of Sessions of the Peace has not been granted at the Time of making the Agreements contemplated by the said Act:’ Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Council of any Borough to which Her Majesty shall not have then granted a separate Court of Sessions of the Peace to be Party to any Agreement for the Purposes of the said Act; and it shall be also lawful to insert in any such Agreement, if the Parties thereunto shall think fit, a Condition, that such Agreement shall not take effect unless Her Majesty shall be pleased to grant a separate Court of Sessions of the Peace to any such Borough; and in case such Condition shall be therein inserted no Agreement shall be valid, notwithstanding that the same shall have been approved by the several Parties thereto, and confirmed by Her Majesty as directed by the said Act, until Her Majesty shall have been pleased to grant such separate Court of Sessions of the Peace to the Borough or Boroughs respecting which the said Condition shall have been inserted in the Agreement.

Repeal of 5 & 6 Vict. c. 53. § 41. as to Divisions of united Districts.

II. And be it enacted, That so much of the said Act as provides that in every Case in which more than One Borough, having a Court of Sessions of the Peace shall be a Party to the Agreement aforesaid the District united under such Agreement shall be divided into as many Divisions as there shall be Boroughs included in such Agreement, and to each of such Boroughs shall be apportioned

portioned such a Division of the said District as shall be more immediately adjacent thereunto, and shall be set forth in the Agreement, regard being had to the Amount of Population in the whole District, and the other Circumstances of the Case, and all Prisoners committed to the said Prison for any Offence committed within any Division aforesaid shall be sent for Trial to the Sessions of the Peace holden for that Borough to which such Division shall have been apportioned, and the Provisions hereinbefore contained with respect to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents, for the united District, shall apply in each Case to the Division apportioned to each Borough, shall be repealed.

III. And be it enacted, That in every Case in which more than One Borough having a Court of Sessions of the Peace shall be a Party to any such Agreement, whether or not the Grant of such Court shall have been made before or after the Confirmation of the Agreement, the united District shall be divided into as many Divisions as there are Boroughs to which such Grants shall have been made, in such Manner as shall be absolutely or provisionally set forth in the Agreement, or as shall be provided by any supplemental Agreement to be made and enforced in like Manner as the original Agreement, so, nevertheless, that One such Borough shall be included in and form the Whole or Part of every such Division; and the united District, and also each of such Divisions, shall be designated by such Names as shall be set forth in such Agreement or supplemental Agreement; and a Court of Sessions of the Peace for each Division of the united District shall be holden in the Borough which forms the Whole or Part of such Division, before the Recorder thereof, who shall be the Recorder of that Division and sole Judge of the Court which shall have the like Jurisdiction throughout the Division which the Court of Sessions of the Peace for any of the said Boroughs has within such Borough; and the Provisions in the said Act contained with respect to the Clerk of the Peace, and to Jurors, and the Return of Convictions, Depositions, Recognizances, and other Documents, for the united District, shall apply in each Case separately to each Division, and to the Borough which is included in and forms the Whole or Part of such Division.

IV. ' And whereas by an Act passed in the Third Year of the Reign of Her Majesty, intituled *An Act for the better ordering of Prisons*, it is provided that it shall not be lawful to enlarge, build, or rebuild any Prison until One of Her Majesty's Principal Secretaries of State shall have approved the Plan of such Prison or intended Prison; ' be it enacted, That it shall be lawful for the Secretary of State to appoint a proper Person to be Surveyor General of Prisons for the Purpose of advising the Justices and others having the Superintendence of the Construction of Prisons, and for reporting to the Secretary of State on the several Plans which shall be sent to him for his Approval as aforesaid, and for the Performance of such other Duties connected with the Construction of Prisons as shall be from Time to Time intrusted to him by the Secretary of State.

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

Provisions as to Divisions of any united District, whether Grant made before or after Confirmation of Agreement.

Secretary of State to appoint Surveyor General of Prisons.

Act may be amended, &c.

C A P. LI.

An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-six, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

[29th July 1844.]

3 & 4 W. 4. c. 16.

Certain Allowances of the Duty on Soap to be continued.

‘ **W**HEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof*, certain Allowances of the Duties of Excise paid on Soap were granted in respect of Soap used in certain Manufactures and Processes set forth in the said Act, and which Allowances were to cease at the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five : And whereas by other Acts passed in the Fifth and Sixth Years of His said late Majesty King *William* the Fourth, and in the Second and Third and also the Fifth Years of the Reign of Her present Majesty Queen *Victoria*, the said Allowances (except the Allowance for the whitening of new Linen in the Piece for Sale) were continued until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-four : And whereas it is expedient that the said Allowances (except as aforesaid) should be further continued :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-six, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

C A P. LII.

An Act to extend the Powers of the Act for the Appointment and Payment of Parish Constables.

[29th July 1844.]

5 & 6 Vict. c. 109.

‘ **W**HEREAS an Act was passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the Appointment and Payment of Parish Constables*, whereby Provision was made for the Appointment of Parochial Constables by the Justices of the Peace of every County in *England* : And whereas it is expedient that the like Authority should be given to the Justices of the Peace of Liberties within Counties :’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

That

That after the passing of this Act all the Provisions of the said Act shall be extended and apply to every Liberty in *England* having a separate Commission of the Peace, and not being an incorporated Borough, and to the Justices of such Liberty, as if such Liberty were a County of itself, and as if the said Act were herein re-enacted.

Recited Act to extend to all Liberties having a Commission.

II. And be it enacted, That the Constables appointed and sworn to act in any such Liberty before the passing of this Act, whether by the Justices of the Liberty acting under colour of the Powers of the said Act, or at any Court Leet or Torn within such Liberty, shall be deemed to have been well and lawfully appointed; and those Persons who shall hold the Office of Constable in any such Liberty at the Time of the passing of this Act shall continue to hold their several Offices, and to execute the Duties thereof, until Constables shall be chosen in their Stead under the Provisions of this Act.

Confirming previous Appointments.

III. And be it enacted, That no Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse, or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of a Superintendent Constable appointed under the Provisions of the said Act, provided that the Superintendent Constable in charge of such Horse, Van, Carriage, or Cart shall produce a Certificate of his Appointment, signed by the Clerk of the Peace of the County for which he shall have been so appointed, or shall have his Dress according to the Regulations of the said County, at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained not being lawfully entitled thereunto shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and in all such Cases the Proof of Exemption shall be upon the Person claiming the same.

Horses, &c. in Service of Superintendent Constables exempted from Toll.

IV. 'And whereas by the said Act it is provided, that nothing therein contained shall apply to certain Boroughs and Places therein specified: And whereas Doubts have been entertained as to the Powers of the Justices to appoint Constables for any Parish of which Part shall be within and Part without such exempted Borough or Place;' be it declared and enacted, That with respect to any such Parish the Exemptions provided by the said Act shall be deemed only to exempt the Men residing within that Part of the Parish which is within such exempted Borough or Place from serving as Constables under the said Act, or being included in any List to be made out under the said Act, and to disqualify the Inhabitants of such Part from voting in any Division of the Vestry under the said Act.

Exempting such Parts of Parishes as lie within Boroughs exempted by 5&6 Vict. c. 109.

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

Act may be amended, &c.

C A P. LIII.

An Act for Disfranchisement of the Borough of *Sudbury*.

[29th July 1844.]

6 & 7 Vict. c. 97. ' **WHEREAS** an Act was passed in the Seventh Year of the
 ' Reign of Her Majesty, intituled *An Act for appointing*
 ' *Commissioners to inquire into the Existence of Bribery in the*
 ' *Borough of Sudbury*, whereby, after reciting that there was
 ' Reason to believe that the Practice of Bribery at Elections of
 ' Members to serve in Parliament for the Borough of *Sudbury* had
 ' long prevailed in the said Borough, and that Bribery to a great
 ' Extent had been systematically committed there at the last
 ' Election of Members to serve in Parliament, certain Commis-
 ' sioners were therein named and appointed for inquiring into the
 ' Manner in which the last Election of Members to serve in
 ' Parliament for the said Borough had been conducted, and whether
 ' any Bribery had been committed at such Election, and into
 ' the Particulars of such alleged Bribery, as in the said Act is
 ' more fully set forth; and by the said Act the said Commis-
 ' sioners were directed from Time to Time to report to Her
 ' Majesty the Evidence which should be taken by them, and
 ' what they should find concerning the Premises: And whereas
 ' the said Commissioners made their Report in Writing to Her
 ' Majesty, dated the Twelfth Day of *March* in the Year One
 ' thousand eight hundred and forty-four, and thereby, after detail-
 ' ing various illegal Practices before and during the Election,
 ' reported finally that systematic and extensive Bribery prevailed
 ' at the last Election of Members of Parliament in the said
 ' Borough: Be it enacted by the Queen's most Excellent Ma-
 ' jesty, by and with the Advice and Consent of the Lords Spiritual
 ' and Temporal, and Commons, in this present Parliament assem-
 ' bled, and by the Authority of the same, That the Borough of
 ' *Sudbury* in the County of *Suffolk* shall, from and after the passing
 ' of this Act, cease to return any Member or Members to serve in
 ' Parliament.

The Borough
 of *Sudbury* to
 cease to return
 Members.

C A P. LIV.

An Act to continue until the First Day of *October* One thou-
 sand eight hundred and forty-five, and to the End of the
 then Session of Parliament, the Act to amend the Laws
 relating to Loan Societies. [29th July 1844.]

3 & 4 Vict. c. 110.

C A P. LV.

An Act to amend and explain the Acts for the Commutation
 of certain Manorial Rights in respect of Lands of Copyhold
 and Customary Tenure, and in respect of other Lands
 subject to such Rights; and for facilitating the Enfran-
 chisement of such Lands, and for the Improvement of
 such Tenure. [29th July 1844.]

4 & 5 Vict. c. 35. ' **WHEREAS** an Act was passed in the Session of Parliament
 ' holden in the Fourth and Fifth Years of the Reign of
 ' Her present Majesty Queen *Victoria*, intituled *An Act for the*
 ' *Commutation*

‘ *Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure, and was amended and explained by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, and it is expedient further to amend and explain the said Acts in certain respects.*’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the aforesaid Acts, or either of them, as to the Recovery of Expences, Costs, and Charges to be paid by any Tenant, being a Trustee, and not beneficially interested in the Lands of which he stands admitted Tenant, to be affected by any Commutation or Enfranchisement under the aforesaid Acts or this Act, shall extend as well to Cases in which there shall not be an Apportionment on Commutation or Enfranchisement in pursuance of the said aforesaid Acts or this Act, as to Cases in which there shall be an Apportionment on Commutation or Enfranchisement in pursuance thereof.

Provisions of former Acts as to Recovery of Expences, Costs, &c. to extend to Cases where there is no Apportionment.

II. And be it enacted, That every Person beneficially interested in the said Lands, having a limited beneficial Interest only, and who shall pay any such Expences, Costs, and Charges to any Tenant, being such Trustee as aforesaid, may, with the Consent of the Copyhold Commissioners under their Hands, and by a simple Entry on the Court Rolls of the Manor, and for which Entry the Steward shall only charge Thirteen Shillings and Four-pence, and which shall not be subject to any Stamp Duty, charge such Expences, Costs, and Charges, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, on the Lands to which the same relate; but so, nevertheless, that the Principal charged on such Lands be lessened in every Year following such Charge One Twentieth at least of such original Charge, and shall be subject to previous Mortgages.

Persons having a limited beneficial Interest only may charge Expences on the Lands, &c.

III. And be it enacted, That as to any Lands to be affected by any Commutation or Enfranchisement without Apportionment under the aforesaid Acts or this Act, or any of them, of which the Tenant, being a Trustee and not beneficially interested therein, stands admitted Tenant, the Person beneficially interested therein at the Date of the Confirmation of the Commutation Agreement, or at the Date of the Conveyance Deed, or other Assurance by which the Enfranchisement is made, as the Case may be, shall be deemed, for all Purposes in regard to Expences, Costs, and Charges which any such Trustee may have to pay under the aforesaid Acts or this Act, to be the Person beneficially interested in such Lands within the Meaning of the aforesaid Acts and this Act respectively.

Where Trustee is Tenant, the Person beneficially interested at the Date of Confirmation, &c. deemed to be beneficially interested.

IV. And be it enacted, That the Provisions of the aforesaid Acts, or either of them, charging and securing, and authorizing the charging and securing of the Consideration Money of any Enfranchisement under the said Acts, and the Costs of the Charges, with Interest, and also as to the Priority of the Charges and Securities of or for the same, and otherwise in reference thereto, shall, *mutatis mutandis*, extend as well to Cases in which there shall

Provisions for charging and securing of the Consideration Money of any Enfranchisement to extend to Cases in which there shall

shall not be an Apportionment, &c.

shall not be an Apportionment on Enfranchisement in pursuance of the aforesaid Acts or this Act, as to Cases in which there shall be an Apportionment on Enfranchisement in pursuance thereof; and on any Enfranchisement where there shall not be such Apportionment the Charge of the Consideration Money of the Enfranchisement, and the Interest thereon, shall commence and be computed from the Date of the Conveyance, Deed, or Assurance by which the Enfranchisement shall be made.

Commutations or Enfranchisements may be made in consideration of the Conveyance of Lands, &c. not Parcel of the Manor, but subject to the same Uses as those commuted.

V. And be it enacted, That, in addition and subject to the Provisions of the aforesaid Acts or either of them, any Commutation or Enfranchisement may be made wholly or in part for the Consideration of a Conveyance of Lands, or of any Right to Mines or Minerals, although the said Lands or the said Right to Mines or Minerals so to be conveyed shall not be Parcel of or situate in or under the Lands of the same Manor as the Lands so to be commuted or enfranchised; provided that the said Lands or the said Right to Mines or Minerals can be conveniently held with the same Manor in the Opinion of the Copyhold Commissioners, and are subject, so far as the Difference of Tenure may permit, to the same Uses and Trusts as the Lands so to be commuted or enfranchised shall be subject to at the Time of such Commutation or Enfranchisement, or to Uses and Trusts in correspondence with which the said Lands shall be then settled at Law or in Equity; and that it shall be lawful for the Person empowered by the aforesaid Acts to obtain such Commutation or Enfranchisement to convey the said Lands or Rights to Mines and Minerals to the Person commuting or enfranchising the Lands proposed to be commuted or enfranchised, and to his Heirs, to the Uses, and upon and for the Trusts, Intents, and Purposes, to, upon, and for which the Manor of which the Lands commuted or enfranchised are Parcel shall be subject and held at the Time of such Commutation or Enfranchisement; subject always, as to any Leases to which such Lands may be subject, to all the Provisions of the last-mentioned Act in respect to Lands therein permitted to be conveyed.

For supplying Vacancies.

VI. And be it enacted, That in case any Trustee nominated by the Copyhold Commissioners under the aforesaid Acts or this Act should be desirous of resigning, or should become incapable of acting, the Commissioners may, if they shall think proper, appoint some other fit Person in like Manner as if a Vacancy had occurred under the Provisions of the secondly herein-before recited Act.

Extending Provisions of recited Act to Rent-charges under this Act.

VII. And be it enacted, That the Provisions of the said first herein-before recited Act, authorizing Distress and Entry in Cases of Nonpayment of the Rent-charge authorized by the aforesaid Act to be granted, shall extend and be applicable to all Rent-charges granted and made payable under and by virtue of the said secondly herein-before recited Act or this Act.

This Act to be construed as a Part of the recited Acts.

VIII. And be it enacted, That this Act shall be taken and construed to be Part of the aforesaid Acts, and that all Proceedings which may have been had, and all Commutations and Enfranchisements which may have taken place, under the said recited Acts or either of them, and all Matters and Things incident thereto, shall be of the same Force, Validity, and Effect as if the Provisions of this Act had been contained in the said first-recited Act.

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

C A P. LVI.

An Act concerning Banns and Marriages in certain District Churches or Chapels. [29th July 1844.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled "An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:"* And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to amend and render more effectual the Church Building Acts*: And whereas another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act to further amend the Church Building Acts*: And whereas Doubts are entertained whether Banns of Matrimony can be published or Marriages be solemnized in Churches or Chapels to which Districts have been or may hereafter be assigned under the said recited Act passed in the Second Year of the Reign of His late Majesty; and it is expedient to remove such Doubts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case in which a District has been or shall be assigned to any Church or Chapel under the Provisions of the said last-mentioned Act it shall be lawful for Her Majesty's Commissioners for building new Churches, with the Consent of the Bishop of the Diocese, in every such Case as has come or shall come before the said Commissioners under the Provisions of the said last-mentioned Act, and for the said Bishop in every such other Case, to determine whether Banns of Matrimony shall be published and Marriages solemnized in any such Church or Chapel aforesaid or not.

59 G. 3. c. 134.
1 & 2 W. 4. c. 38.
1 & 2 Vict. c. 107.
3 & 4 Vict. c. 60.

Where a District is assigned under last-recited Act the Church Building Commissioners or the Bishop to decide as to Banns and Marriages.

II. And be it enacted, That when and so soon as it shall be determined that Banns of Matrimony may be published and Marriages solemnized in any such Church or Chapel, the Bishop of the Diocese within which such Church or Chapel shall be locally situated, whether in any Parish or Extra-parochial Place, or otherwise, shall certify the same, and such Certificate shall be kept in the Chest of the Church or Chapel with the Books of Registry thereof, and a Copy thereof shall be entered in the Books of the Registry of Banns and Marriages, and a Duplicate of such Certificate shall be registered in the Registry of the Diocese, and such Certificate shall be deemed and taken to be conclusive Evidence in all Courts, and in all Questions relating to any Banns published

Proceedings in Cases where it shall be determined that Banns may be published and Marriages solemnized.

or Marriages solemnized in any such Church or Chapel, that the same might according to Law respectively be published and solemnized in such Church or Chapel, and that all Banns published and Marriages solemnized in any such Church or Chapel according to the Laws and Canons in force within this Realm in that Behalf shall after the granting of such Certificate be good to all Intents and Purposes whatsoever: Provided always, that no Banns or Marriages respectively published or solemnized according to the Laws and Canons in force within the Realm in that Behalf in any Church or Chapel in which the same are authorized to be respectively published, solemnized, and had by the said recited Acts or this Act, or either of them, shall be invalid by reason of any such Certificate not having been duly given, or registered or entered, as herein-before required: Provided also, that all Fees, Dues, Offerings, and other Emoluments on account of such Marriages, whether of Right or Custom, belonging to the Incumbent or Clerk of any Parish, Chapelry, or Place in which such Church or Chapel has been erected, shall be received by or for or on account of such Incumbent or Clerk respectively, and be paid over to them, except such of the said Fees, Dues, Offerings, or other Emoluments, or such Portions thereof, as the said Commissioners, with the Consent of the Bishop of the Diocese, the Patron, and the said Incumbent respectively, in those Cases which shall come before the said Commissioners, by Order made under their Common Seal, or the Bishop of the Diocese alone, with the Consent of the Patron and Incumbent, in all other Cases, by Order under his Hand and Seal, shall assign to the Minister of such Church or Chapel; and every such Instrument of Assignment shall be registered in the Registry of the Bishop of the Diocese within which said Church or Chapel shall be locally situated: Provided always, that nothing herein-before contained shall be construed to take away from existing Parish Clerks any Fees, Dues, or Emoluments to which they are now by Law or Custom entitled.

How Fees to be disposed of.

The Validity of Marriages in certain Chapels with Districts assigned to them not to be questioned.

III. And whereas, by Error, Banns have been published, and divers Marriages have been solemnized, in Chapels with Districts assigned to them under the Provisions of the herein-before recited Acts or some of them, but in which Chapels Banns could not be legally published, nor Marriages by Law be solemnized; and it is expedient to remove all Doubts, arising from the Circumstances aforesaid, touching the Validity of such Marriages; be it therefore enacted, That Banns already published, and Marriages already solemnized, in such Chapels as aforesaid, shall not hereafter be questioned on account of the said Banns having been published, or the said Marriages solemnized, in any such Chapel as aforesaid; and the Minister or Ministers who solemnized the same shall not be liable to any Ecclesiastical Censure, or to any other Proceedings or Penalties whatsoever, by reason thereof; and the Registers of all Marriages 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.

Omissions to authorize Marriages in Chapels may be cured by sup-

IV. And be it enacted, That where a Chapelry has been already or shall hereafter be assigned to any Chapel under the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, and the Order in Council assigning

assigning such Chapelry does not direct that Marriages may be performed in such Chapel, it shall be lawful for Her Majesty, by any supplemental Order in Council, on a Representation to be made to Her by the said Commissioners, with the Consent of the Bishop of the Diocese, to order that Marriages may be performed thereafter in such Chapel; and that all the Fees arising therefrom, or a Part thereof, should thereafter belong and be paid to the Minister of such Chapel, or after the next Avoidance of the Parish Church, or that all or a Portion of such Fees should belong and be paid to the Incumbent of such Parish Church; and all the Laws in force relating to Banns of Marriage, and Marriages in District Chapels, and the registering thereof, shall apply to Marriages performed under such supplemental Order in Council.

plemental
Order.

V. And be it enacted, That in any Representation to Her Majesty in Council, or in any Order of Council to be made thereon, or in any other Matter or Thing done under their Common Seal by the said Commissioners under the Authority of the herein-before recited Acts or any other Act of Parliament, it shall be sufficient to refer to the Section or Sections as numbered in Copies printed by the Queen's Printer of the Act or Acts under the Authority whereof such Representation or Order in Council is made, or such Matter or Thing done, and it shall not be necessary to recite any of the Provisions of such Section or Sections.

In any Representation to the Queen in Council, &c. the Number of the Section of the Act, &c. need only be recited.

VI. And be it enacted, That every Order in Council under the Provisions of the herein-before recited Acts or any of them, or under the Provisions of any other of the Church Building Acts, shall, as soon as may be after the making thereof by Her Majesty in Council, be inserted and published in the *London Gazette* in like Manner as any Order in Council made under the Acts regulating the Proceedings of the Ecclesiastical Commissioners of *England* is published in such Gazette, and it shall not be necessary to enrol in the Court of Chancery any Map or Plan or Description of the Boundaries of any Division or District formed under the Provisions of the herein-before recited Acts, or any other of the Church Building Acts; and a Map or Plan on which shall be marked such Boundaries, and which shall be sealed with the Common Seal of the said Commissioners for building new Churches, and the Order in Council annexed thereto, shall be registered in the Registry of the Diocese in the Manner directed by the Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, and shall be subject to such and the like Provisions in all respects relating thereto as are contained in the same Act: Provided always, that nothing in this Act contained shall be taken to repeal or affect any of the Authorities contained in an Act of Parliament passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for Marriages in England*, for licensing any Churches or Chapels for the Solemnization of Marriages therein.

Every Order in Council under the Church Building Acts to be inserted in the *London Gazette*, and registered with a Map, &c.

3&4 Vict. c. 113.

Not to affect 6 & 7 W. 4. c. 85. as to licensing Churches, &c. for Solemnization of Marriages.

C A P. LVII.

10 G. 4. c. 22.

An Act to continue until the Thirty-first Day of December One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

[29th July 1844.]

C A P. LVIII.

An Act further to stay, until the End of the next Session of Parliament, Proceedings in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any similar Proceedings being taken under those Statutes during such further limited Time.

[29th July 1844.]

7 & 8 Vict. c. 3.

‘ WHEREAS an Act was passed in the present Session of Parliament, intituled *An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any Proceedings being taken under those Statutes during such limited Time*: And whereas it is expedient that as well all the Proceedings which were stayed or suspended, or authorized to be stayed or suspended, by the Operation of that Act, should be stayed or suspended for a further Period, and that no other Proceedings of a like Nature should be commenced or proceeded with during such further Period:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Actions, Suits, or other Proceedings which before the passing of this present Act shall have been brought, commenced, or prosecuted for the Recovery of any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred under the Provisions of the several Acts of Parliament recited in the said recited Act, or any or either of them, by playing at any of the Sports or Pastimes mentioned in the Schedule annexed to the said recited Act, or at any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, or at any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games, to which a different Name may by general or local Usage be appropriated, or by betting on the Sides or Hands of such as do play thereat, whether any Order of any Court or Judge shall have been made therein or not, shall be and the same hereby are stayed and suspended until the End of the next Session of Parliament; and that no Action, Suit, or other Proceeding shall be brought, commenced, or prosecuted for the Purpose of recovering any Forfeiture or pecuniary Penalty incurred or supposed to have been incurred, under the Provisions of the several Acts recited

Suspending
Actions for
Penalties.

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in the said recited Act, or any or either of them, by playing at any of the said Sports or Pastimes mentioned in the Schedule annexed to the said recited Act, or at any *bonâ fide* Variety of any of the said Sports, Pastimes, or Games, or at any Sport, Pastime, or Game of a like or similar Description to any of the said Sports, Pastimes, or Games, to which a different Name may by general or local Usage be appropriated, or by betting on the Sides or Hands of such as do play thereat, previously to the End of the next Session of Parliament.

II. And be it enacted, That in case any such Action or Actions which have already been commenced shall be further prosecuted, or in case any such Action or Actions shall be commenced after the passing of this Act, it shall be lawful for the Defendant or Defendants in any such Action or Actions to plead the General Issue, and to give this Act in Evidence under it; and thereupon the Judge before whom such Action or Actions shall be tried shall direct, and he is hereby authorized and empowered to direct, a Verdict or Verdicts and Judgment or Judgments to be entered for such Defendant or Defendants.

III. And be it enacted, That all the said recited Act of the present Session of Parliament, so far as it relates to all other Powers, Provisions, Matters, and Things therein contained, shall continue in force until the End of the next Session of Parliament.

When Actions are prosecuted contrary to this Act a Verdict to be found for Defendant.

Continuing Provisions of recited Act.

C A P. LIX.

An Act for better regulating the Offices of Lecturers and Parish Clerks. [29th July 1844.]

‘ **W**HEREAS in divers Districts, Parishes, and Places there now are or hereafter may be certain Lecturers or Preachers in the Holy Orders of Deacon or Priest of the United Church of *England and Ireland* elected or otherwise appointed to deliver or preach Lectures or Sermons only, without the Obligation of performing other clerical or ministerial Duties: And whereas it is expedient in many Cases that such Lecturers or Preachers should be authorized and required to perform other clerical and ministerial Duties, and to act, if necessary, as Assistant Curates, in such Districts, Parishes, or Places: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for the Bishop of the Diocese wherein any such Lecturers or Preachers shall be so elected or appointed as aforesaid, if he shall think fit, with the Assent of the Incumbent of every such District, Parish, or Place, to require, by Writing under his Hand and Seal, any such Lecturer or Preacher to undertake and perform such other clerical or ministerial Duties, as Assistant Curate or otherwise, within such District, Parish, or Place, as the said Bishop, with the Assent of such Incumbent as aforesaid, shall think proper, and also to vary from Time to Time if necessary, and with the like Assent, the particular Duties so required to be performed as aforesaid; and in case such Lecturer

Lecturers or Preachers may be required to perform other clerical Duties in certain Cases.

or Preacher shall at any Time refuse or neglect duly and faithfully to perform such additional Duties, and to act in the Manner required by the said Bishop as aforesaid, it shall be lawful for the said Bishop to summon the said Lecturer or Preacher to appear before him, and thereupon the said Bishop, with the Assistance of One at least of the Archdeacons and also of the Chancellor of such Diocese, shall proceed summarily to inquire into the Facts of the Case, and to adjudicate thereon, and, if necessary, to suspend or remove the said Lecturer or Preacher from his said Office, and to declare the same vacant; but nevertheless such Lecturer or Preacher may, within Fourteen Days next after the passing or making of any such Sentence or Declaration, appeal therefrom to the Archbishop of the Province, who shall thereupon forthwith summarily hear and determine the same; and if no such Appeal be made within the Time aforesaid, or if the said Sentence or Declaration shall upon such Appeal be affirmed by the said Archbishop, the said Bishop shall then cause the same to be forthwith duly published in the Church or Chapel wherein the said Lecturer or Preacher hath been used to deliver or preach his said Lectures or Sermons by virtue of his said Office, and thereupon the said Office shall be and be deemed to be vacant, and the Parties entitled to elect or appoint a Person to the same shall be entitled and required to elect or appoint a Successor thereto, in the same Manner as if the said Lecturer or Preacher were dead, and the Right and Interest of such Lecturer or Preacher to and in the said Office, and to and in all the Emoluments and Advantages thereof, shall wholly cease and determine; provided that nothing herein contained shall affect or be deemed applicable to any Lecturer or Preacher who shall have been elected or appointed to his said Office before the passing of this Act, unless such Lecturer or Preacher shall consent to be bound thereby.

Saving the Rights of present Holders.

Power to appoint Persons in Holy Orders to the Office of Church Clerk, and to require such Persons to act as Assistant Curates, if necessary.

II. And be it enacted, That when and so often after the passing of this Act as any Vacancy shall occur in the Office of Church Clerk, Chapel Clerk, or Parish Clerk, in any District, Parish, or Place, it shall be lawful for the Rector or other Incumbent or other the Person or Persons entitled for the Time being to appoint or elect such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid, if he shall think fit, to appoint or elect a Person in the Holy Orders of Deacon or Priest of the United Church of *England* and *Ireland* to fill the said Office of Church Clerk, Chapel Clerk, or Parish Clerk; and such Person so appointed or elected as aforesaid shall, when duly licensed as herein-after provided, be entitled to have and receive all the Profits and Emoluments of and belonging to the said Office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical Duties within such District, Parish, or Place as the said Rector or other Incumbent, with the Sanction of the Bishop of the Diocese, may from Time to Time require; but such Person in Holy Orders so appointed or elected as aforesaid shall not by reason of such Appointment or Election have or acquire any freehold or absolute Right to or Interest in the said Office of Church Clerk, Chapel Clerk, or Parish Clerk, or to or in any of the Profits or Emoluments thereof, but every such Person in Holy Orders so appointed or elected as aforesaid shall at

all Times be liable to be suspended or removed from the said Office, in the same Manner and by the same Authority, and for such or the like Causes, as those whereby any stipendiary Curate may be lawfully suspended or removed; such Suspension or Removal nevertheless being subject to the same Power of Appeal to the Archbishop of the Province to which any stipendiary Curate is or may be entitled.

III. Provided always, and be it enacted, That every such Appointment or Election as last aforesaid, if made by any other Person or Persons than the Rector or other Incumbent of such District, Parish, or Place, shall be subject to the Consent and Approval of such Rector or other Incumbent of such District, Parish, or Place; and that no Person in Holy Orders so appointed or elected as aforesaid shall be competent to perform any of the Duties of his said Office, or any other spiritual or ecclesiastical Duties, within such District, Parish, or Place, or to receive or take any of the Profits or Emoluments of his said Office, unless and until he shall have duly obtained from the Bishop of the Diocese within which such District, Parish, or Place is situate such Licence and Authority in that Behalf as are required and usual in respect of stipendiary Curates; but nevertheless such Licence and Authority, when so obtained as aforesaid, shall entitle the Person so obtaining it to hold the said Office, and to receive and take the Profits and Emoluments thereof as aforesaid, until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other Re-appointment or Re-election thereto.

IV. Provided also, and be it enacted, That no Rector or other Incumbent of any District, Parish, or Place wherein any such Person or Persons shall be so employed as aforesaid, or wherein any Lecturer or Preacher shall have been required to undertake and perform other clerical and ministerial Duties, in the Manner herein-before provided, or wherein any Person in Holy Orders shall have been appointed or elected to fill the Office of Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid, shall by reason of any such Provisions be exempt from any Duty or Obligation of employing within the same District, Parish, or Place any Curate or other Assistant to which by any Law, Statute, Canon, or Usage he is or may be already liable; but it shall be lawful for the Bishop of the Diocese from Time to Time to require every such Rector or other Incumbent to provide, or for the said Bishop to nominate and license, such other Curates and Assistants to officiate within every such District, Parish, or Place, in addition, either to the Person or Persons so intended to be employed as aforesaid, or to such Lecturer or Preacher, or to such Church Clerk, Chapel Clerk, or Parish Clerk, and to make Regulations for the Payment of the Stipends of such other Curates and Assistants, as fully and in the same Manner and subject to the same Restrictions as he might have done by Law if this Act had not been passed.

V. And be it enacted, That if at any Time it shall appear, upon Complaint or otherwise, to any Archdeacon or other Ordinary that any Person not in Holy Orders, holding or exercising the Office of Church Clerk, Chapel Clerk, or Parish Clerk in any District, Parish, or Place within and subject to his Jurisdiction,

Such Person to be licensed by the Bishop, and when appointed otherwise than by the Bishop to be subject to the Approval of the Incumbent.

Appointments of Assistant Clergy under this Act not to exempt Incumbents from the Duty of providing Curates in Cases where they are now liable.

Power to suspend or remove Church Clerks not in Holy Orders who may be

guilty of Neglect or Misbehaviour.

has been guilty of any wilful Neglect of or Misbehaviour in his said Office, or that by reason of any Misconduct he is an unfit and improper Person to hold or exercise the same, it shall be lawful for such Archdeacon or other Ordinary forthwith to summon such Church Clerk, Chapel Clerk, or Parish Clerk to appear before him, and also by Writing under his Hand, or by such Process as is commonly used in any of the Courts Ecclesiastical for procuring the Attendance of Witnesses, to call before him all such Persons as may be competent to give Evidence or Information respecting any of the Matters imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid; and such Archdeacon or other Ordinary shall and may, if he see fit, examine upon Oath, to be by him administered in that Behalf, any of the Persons so appearing or attending before him respecting any of the Matters aforesaid, and shall and may thereupon summarily hear and determine the Truth of the Matters so imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid; and if upon such Investigation it shall appear to the Satisfaction of such Archdeacon or other Ordinary that the Matters so imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk are true, it shall be lawful for the said Archdeacon or other Ordinary forthwith to suspend or remove such Church Clerk, Chapel Clerk, or Parish Clerk from his said Office, and by Certificate under his Hand and Seal directed to the Rector or other officiating Minister of the Parish, District, or Place wherein such Church Clerk, Chapel Clerk, or Parish Clerk held or exercised his said Office, to declare the said Office vacant, and a Copy of such Certificate shall thereupon, by such Rector or other officiating Minister, be affixed to the principal Door of the Church or Chapel in which the said Church Clerk, Chapel Clerk, or Parish Clerk usually exercised his said Office; and the Person or Persons who upon the Vacancy of such Office are entitled to elect or appoint a Person to fill the same, shall and may forthwith proceed to elect or appoint some other Person to fill the same in the Place of the said Church Clerk, Chapel Clerk, or Parish Clerk so removed as aforesaid: Provided always, that the Exercise of such Office by a sufficient Deputy who shall duly and faithfully perform the Duties thereof, and in all respects well and properly demean himself, shall not be deemed a wilful Neglect of his Office on the Part of such Church Clerk, Chapel Clerk, or Parish Clerk, so as to render him liable, for such Cause alone, to be suspended or removed therefrom.

Power to remove Person ceasing to be employed as mentioned in this Act from Premises held by him in right of his Employment.

VI. And be it enacted, That in case any Person having ceased to be employed in any of the Offices or Duties in this Act mentioned or referred to, or having been duly suspended or removed from any such Office or Employment as aforesaid, shall at any Time refuse or neglect to give up the Possession of any House, Building, Land, or Premises, or any Part or Parcel thereof, by him held or occupied by virtue or in respect of any such Office or Employment as aforesaid, it shall be lawful for the Bishop of the Diocese, upon Complaint thereof to him made, to summon such Person forthwith personally to appear before him, and to show Cause for such Refusal or Neglect; and upon the Failure of the Person so summoned as aforesaid to obey such Summons, or, upon his Appearance,

Appearance, to show to the said Bishop such Cause as may be deemed by the said Bishop sufficient for such Refusal or Neglect, the said Bishop shall thereupon grant a Certificate of the Facts aforesaid, under his Hand and Seal, to the Person or Persons entitled to the Possession of such House, Building, Land, or Premises as aforesaid, who may thereupon go before any neighbouring Justice of the Peace; and such Justice, upon Production of such Certificate, and Proof of such wrongful Retention of Possession as aforesaid, shall and he is hereby required to issue his Warrant under his Hand and Seal, directed to the Constables or other Peace Officers of the District, Parish, or Place within which such House, Building, Land, or Premises is or are situate, or to the Constables or other Peace Officers of any neighbouring District, Parish, or Place, requiring them forthwith to expel and remove from the said House, Building, Land, or Premises, and from every Part and Parcel thereof, the Person so wrongfully retaining Possession thereof, and to deliver the peaceable Possession thereof to the Person or Persons so entitled to the same as aforesaid; and such Constables or other Peace Officers shall and they are hereby required promptly and effectually to obey and execute such Warrant, according to the Exigency thereof, and thereupon it shall be lawful for them also to levy, upon the Goods and Chattels of the Person so by them expelled and removed as aforesaid, the necessary Costs and Expences of executing such Warrant, the Amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said Justice of the Peace by whom the said Warrant was so issued as aforesaid, or by any other Justice of the Peace residing in or near to the said District, Parish, or Place, whose Decision thereupon shall be final, and who is hereby authorized to make such Order in that Behalf as to him shall seem reasonable.

C A P. LX.

An Act to provide for the Care and Preservation of *Trafalgar Square* in the City of *Westminster*. [6th August 1844.]

WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Herself, Her Heirs and Successors, of the Place or Square called *Trafalgar Square*, in the Parish of *Saint Martin-in-the-Fields* in the City of *Westminster* and County of *Middlesex*: And whereas such Place or Square has recently been formed, laid out, embellished, and ornamented, at the public Expence: And whereas upwards of Twenty thousand Pounds have been collected by private Subscription, and expended towards the Erection of a Column in the said Square to commemorate the public Services of the late Vice Admiral Lord *Viscount Nelson*; and it is expedient that Provision should be made for the Care and Preservation thereof, and for the ornamental and other Works, Matters, and Things erected upon or around the same, as herein-after mentioned: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the

Trafalgar Square, and the Works thereon, vested in Her Majesty.

the same, That the said Place or Square called *Trafalgar Square*, and all the ornamental and other Works, Matters, and Things now being or which may hereafter be placed or erected in, upon, about, or around the same, shall be and the same are by this Act vested in the Queen's most Excellent Majesty, Her Heirs and Successors, as Part and Parcel of the Hereditary Possessions and Revenues of Her Majesty in right of Her Crown, within the ordering and Survey of the Court of Exchequer.

Care and Management of the Square, and of all Works thereon, vested in the Commissioners of Woods, &c.

II. And be it enacted, That the Care, Control, Management, and Regulation of the said Place or Square, and of all ornamental and other Works, Matters, and Things now being or which may hereafter be placed or erected in, upon, or about or around the same, shall be and the same are by this Act vested in the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the said Commissioners shall and they are hereby required, by and out of such Monies as may from Time to Time be placed at Her Majesty's Disposal for that Purpose by Authority of Parliament, to well and sufficiently pave, light, cleanse, water, repair, and keep in good Order and Condition the said Place or Square, and all ornamental and other Works, Matters, and Things now being or which may hereafter be placed or erected in, upon, about, or around the same, any Law, Statute, Custom, or Usage to the contrary in anywise notwithstanding.

Powers of 10 G. 4. c. 44. and 2 & 3 Vict. c. 47. extended to this Act.

III. And be it enacted, That all the Clauses and Provisions of an Act passed in the Tenth Year of the Reign of His late Majesty *George the Fourth*, intituled *An Act for improving the Police in and near the Metropolis*, and of another Act passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act for further improving the Police in and near the Metropolis*, shall extend and apply to this Act, and to the said Place or Square, and to the Works, Matters, or Things for the Time being in, upon, about, or around the same, so far as such Clauses and Provisions are not repugnant to or inconsistent with the Provisions of this Act.

Act may be amended, &c.

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

Public Act.

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

C A P. LXI.

An Act to annex detached Parts of Counties to the Counties in which they are situated. [6th August 1844.]

‘ WHEREAS there exist in *England* and *Wales* Parts of Counties detached from the main Body of the County, and Delay and Hindrance to the Administration of Justice ensue, and Inconvenience in other respects; and it is desirable to remedy the said Evil:’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twentieth Day of *October* next every Part of any

Detached Portions of Coun-

any County in *England* or *Wales* which is detached from the main Body of such County shall be considered for all Purposes as forming Part of that County of which it is considered a Part for the Purposes of the Election of Members to serve in Parliament as Knights of the Shire, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to settle and to 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*: Provided always, that nothing herein contained shall be construed to alter the County, Riding, or Division to which any such detached Part shall be deemed to belong for the Purpose of holding Inquests, under the Provisions of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the more convenient holding of Coroners Inquests*.

ties to be Part of the County by which they are surrounded.

2 & 3 W. 4. c. 64.

6 & 7 Vict. c. 12.

II. And be it enacted, That every such detached Portion which under the Provisions of this Act shall be annexed for Purposes other than that of voting for Members of Parliament to any County to which it did not belong for such Purposes before the passing of this Act shall thenceforth be taken to be Part of the Hundred, Wapentake, Ward, Rape, Lathe, or other like Division by which it is wholly or for the most Part surrounded, or to which it is next adjoining, in the County to which it will thenceforth belong, unless the Justices of the County, Riding, Parts, or Division, in General or Quarter Session assembled, shall declare it to be a new or separate Hundred or other like Division, which they shall be empowered to do; and it shall be lawful for the Justices of such County, Riding, Parts, or Division, in General or Quarter Sessions assembled, in every Case in which there shall appear to them to be any Doubt to which of such Divisions any such detached Part shall belong under this Act, to declare the Division to which it shall be taken to belong; and such Determination shall be final and conclusive, and shall be published in the *London Gazette*, the Production of which Paper shall be Evidence thereof.

Detached Parts to belong to adjoining Hundred, &c., or to form a separate Hundred.

III. And be it enacted, That in all Cases where any such detached Part of a County shall have formed before the passing of this Act a separate Division in which Special and Petty Sessions of the Peace for such County shall have been usually holden, such detached Part shall remain a separate Division for Special and Petty Sessions of the County to which it shall be annexed after the passing of this Act, until the Justices of the County, Riding, Parts, or Division to which it shall be annexed after the passing of this Act shall have re-constituted such Division for Special and Petty Sessions of the Peace under the Provisions of an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of England and Wales*, and also of an Act passed in the Sixth and Seventh Years of the Reign of King William the Fourth, intituled *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.'*

Provision as to Special and Petty Sessions.

9 G. 4. c. 43.

6 & 7 W. 4. c. 12.

IV. Provided always, and be it enacted, That no judicial Proceeding, or Deed or other Instrument in Writing, shall be invalidated

Error in stating Name of County not to

invalidate legal Documents.

dated by reason of any Error in stating the Name of the County to which such detached Portion originally belonged, instead of the County to which it will belong under this Act, or the converse; and that every Proceeding at Law, whether civil or criminal, already commenced, or to be commenced before the Twentieth Day of *October* next, shall and may be prosecuted and heard and determined exactly as if this Act had not been passed, save and except in so far as it shall be otherwise ordered by any of Her Majesty's Superior Courts of Common Law having Jurisdiction in any Case in which such Order shall be made.

Saving Ecclesiastical Rights.

V. Provided always, and be it enacted, That nothing herein contained shall alter or interfere with any Ecclesiastical Jurisdiction or Right of Patronage.

Saving the Rights of certain Coroners.

VI. ' And whereas as to some such detached Parts there are ' Coroners appointed expressly for and having Jurisdiction in ' such detached Parts only; ' be it therefore enacted, That as to every detached Part for which at the Time of the passing of this Act there is a Coroner appointed for and acting in such detached Part, such Coroner shall during his Life, or until he shall resign or be removed from his Office, continue to hold and exercise his Office and Jurisdiction within such detached Part in as ample a Manner as if this Act had not been passed.

Act not to extend to alter or affect the Land Tax or Assessed Taxes in detached Portions of Counties.

VII. Provided always, and be it enacted, That nothing herein contained shall be construed to affect or alter the Assessments of the Land Tax or Assessed Taxes in or for any such detached Portion of a County, or to extend or diminish the Jurisdiction of any Commissioners acting therein in the Execution of the Acts relating to the said Taxes respectively, but that all such detached Portions shall be subject in that Behalf to the Jurisdiction of the Commissioners acting for the same County or District as they would have been subject to if this Act had not been passed; and all Parishes and Parts of Parishes and Places, and all Manors, Lands, Tenements, and Hereditaments within any such detached Portion, shall continue chargeable towards raising the Land Tax charged upon the same County or other District to or in aid of which they have heretofore contributed a Quota or Portion of such Land Tax.

Act may be amended, &c.

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

C A P. LXII.

An Act to amend the Law as to burning Farm Buildings.

[6th August 1844.]

7 W. 4. &
1 Vict. c. 89.

' **W**HEREAS by an Act passed in the First Year of the Reign
' of Her Majesty, intituled *An Act to amend the Laws*
' relating to burning or destroying Buildings and Ships, it is
' enacted, that whosoever shall unlawfully and maliciously set fire
' to any House, Stable, Coach-house, Outhouse, Warehouse, Office,
' Shop, Mill, Malt-house, Hop-oast, Barn, or Granary, or to any
' Building or Erection used in carrying on any Trade or Manu-
' facture, or any Branch thereof, whether the same or any of them
' respectively shall then be in the Possession of the Offender, or
' in

‘ in the Possession of any other Person, with Intent thereby to injure or defraud any Person, 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 the Term of the natural Life of such Offender, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years; but it hath been doubted whether the Provisions of the recited Act extend to the Offence of unlawfully and maliciously setting fire to any Hovel or Shed not being appendant to any House:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whoever shall unlawfully and maliciously set fire to any Hovel, Shed, or Fold, or to any Farm Building, or any Building or Erection used in farming Land, whether the same or any of them respectively shall then be in the Possession of the Offender, or in the Possession of any other Person, with Intent thereby to injure or defraud any Person, 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 the Term of the natural Life of such Offender, or for any Term not less than Fifteen Years, or to be imprisoned for any Term not exceeding Three Years.

Setting fire to any Farm Building.

II. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Hay, Straw, Wood, or other Vegetable Produce being in any Farm House or Farm Building, or to any Implement of Husbandry being in any Farm House or Farm Building, with Intent thereby to set fire to such Farm House or Farm Building, and to injure or defraud any Person, shall be liable to the Pains and Penalties of unlawfully and maliciously setting fire to the said Farm House or Farm Building with Intent thereby to injure or defraud such Person.

Setting fire to Farm Produce or Implements in Farm Buildings.

III. And be it enacted, That every Male Person under the Age of Eighteen Years who shall be convicted of any Offence under this Act shall be liable, at the Discretion of the Court before which he shall be convicted, in addition to any other Sentence which may be passed upon him, to be publicly or privately whipped, in such Manner, and as often, not exceeding thrice, as the Court shall direct.

Males under 18 Years of Age may be whipped, &c.

IV. And be it enacted, That this Act shall be deemed a Part of the recited Act.

Act to be Part of recited Act.

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

Act may be amended, &c.

C A P. LXIII.

An Act to continue until the First Day of *June* One thousand eight hundred and forty-five an Act of the Second and Third Years of His late Majesty, for restraining for Five Years, in certain Cases, Party Processions in *Ireland*.

2&3W.4. c.118.

[6th *August* 1844.]

C A P. LXIV.

An Act to provide for paying off such of the Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures which are to be paid off under Two Acts passed in the present Session of Parliament.

[6th August 1844.]

7 & 8 Vict. c. 4.

‘ WHEREAS in pursuance of an Act passed in the present Session of Parliament, intituled *An Act for transferring Three Pounds Ten Shillings per Centum per Annum Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds and Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, and of another Act passed in the present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, certain prescribed Periods of Time are allowed under the first of the said recited Acts for Parties to signify their Assent to the Conversion of their said Annuities into other Annuities, as described in the said Act, but that Parties not so signifying their Assent shall be paid off and receive the Sum of One hundred Pounds for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen; and certain prescribed Periods of Time are also allowed, under the second of the said recited Acts, for Parties to signify their Dissent to the Conversion of their said Annuities into other Annuities, as described in the said second-recited Act; and it is necessary to provide for paying off such Parties as shall not signify their Assent according to the first-recited Act, or shall signify their Dissent according to the secondly-recited Act:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, by Warrant under the Hands of any Three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce thereof, from Time to Time, such Sum or Sums of Money as shall be required for paying off any of such Parties as shall not signify their Assent according to the said first-recited Act, or shall signify their Dissent according to the said second-recited Act.

7 & 8 Vict. c. 5.

‘ WHEREAS in pursuance of an Act passed in the present Session of Parliament, intituled *An Act for transferring Three Pounds Ten Shillings per Centum per Annum Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds and Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, and of another Act passed in the present Session of Parliament, intituled *An Act for transferring certain Annuities of Three Pounds Ten Shillings per Centum per Annum and Government Debentures into Annuities of Three Pounds Five Shillings per Centum per Annum and New Three Pounds per Centum per Annum Annuities*, certain prescribed Periods of Time are allowed under the first of the said recited Acts for Parties to signify their Assent to the Conversion of their said Annuities into other Annuities, as described in the said Act, but that Parties not so signifying their Assent shall be paid off and receive the Sum of One hundred Pounds for every One hundred Pounds of such Three Pounds Ten Shillings *per Centum* Annuities One thousand eight hundred and eighteen; and certain prescribed Periods of Time are also allowed, under the second of the said recited Acts, for Parties to signify their Dissent to the Conversion of their said Annuities into other Annuities, as described in the said second-recited Act; and it is necessary to provide for paying off such Parties as shall not signify their Assent according to the first-recited Act, or shall signify their Dissent according to the secondly-recited Act:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, by Warrant under the Hands of any Three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce thereof, from Time to Time, such Sum or Sums of Money as shall be required for paying off any of such Parties as shall not signify their Assent according to the said first-recited Act, or shall signify their Dissent according to the said second-recited Act.

The Treasury may direct the Payment of such Sum as may be required for paying off Holders of 3l. 10s. per Cents. non-assenting or dissenting.

C A P. LXV.

An Act to enable the Council of His Royal Highness *Albert Edward* Prince of *Wales* to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of *Cornwall*, to purchase other Lands; and for other Purposes. [6th August 1844.]

WHEREAS it is expedient that Provision should be made for the better Management and Disposition of the Lands and Possessions of the Duchy of *Cornwall*: And whereas under and by virtue of the several Acts of Parliament in the First Schedule to this Act annexed mentioned the several Sums of Bank Annuities in the same Schedule mentioned have been purchased with Monies arising from the Lands and other Possessions of the Duchy of *Cornwall*, and the same are now standing in the Books of the Governor and Company of the Bank of *England* in the Name of the Duke of *Cornwall*, to the several Accounts mentioned in the same Schedule, and the Dividends thereof are payable into the Hands of the Receiver General of the said Duchy of *Cornwall*, as Part of the Revenues thereof: And whereas other Sums of Bank Annuities may hereafter, under and by virtue of other Acts of Parliament, be purchased with Monies arising from the Lands or Possessions of the said Duchy of *Cornwall*, and for the Benefit of the said Duchy: And whereas it is expedient that Power should be given, during the Minority of His Royal Highness *Albert Edward* Prince of *Wales*, now Duke of *Cornwall*, to sell and dispose of the aforesaid Sums of Bank Annuities, or any of them, and to apply the Monies to arise from such Sale and Disposition for the Purposes herein-after mentioned: And whereas the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: Now therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Council of His said Royal Highness *Albert Edward* Duke of *Cornwall*, and they are hereby authorized and empowered, at any Time or Times during the Minority of His said Royal Highness, to make sale and dispose of to any Person, for such Price or Consideration in Money as to the said Council shall appear sufficient, any Part or Parts of the Lands or Possessions of the said Duchy of *Cornwall*, and for that Purpose to enter into and make, or authorize to be entered into and made, all such Contracts or Agreements as to the said Council shall seem proper.

The Council of His Royal Highness empowered to sell Lands, &c.

II. And be it enacted, That whenever any Contract or Agreement shall have been entered into under the Authority of this Act for the Sale to any Person of any Part or Parts of the Lands or Possessions of the said Duchy, the Purchaser, in case the Purchase Money shall amount to the Sum of Two hundred Pounds, shall pay or cause the same to be paid into the Bank of *England*; and the Cashiers of the Bank of *England*, or One of them, shall, upon the Production of any Note signed by the Receiver General of the said Duchy or by the Secretary of the said Council, specifying

Mode of carrying Sales into effect.

fyng the Sum to be so paid, and that it is to be so paid to the Account of the Duke of *Cornwall*, accept and receive the same, and carry the same to the Account of the Duke of *Cornwall* (which Account the Governor and Directors of the Bank of *England* are hereby required to open), and give a Receipt for the same, without Fee or Reward; but if such Purchase Money shall not amount to the Sum of Two hundred Pounds the Purchaser may, at his Option, either pay the same into the Bank of *England*, to be applied as aforesaid, in which Case the Cashiers of the Bank of *England*, or One of them, shall accept and give a Receipt for the same as aforesaid, or into the Hands of the Receiver General of the said Duchy, or of any Receiver or Agent to be appointed for that Purpose by the Council of His said Royal Highness; and the said Council shall, on the Production of the Receipt of the Cashiers or One of the Cashiers of the Bank of *England* for such Purchase Money, or in case the same shall not amount to Two hundred Pounds, then either on the Production of such Receipt, or on the Payment to the said Receiver General, Receiver or Agent, of such Purchase Money, cause to be executed to the Purchaser or Purchasers a Conveyance under the Great or Privy Seal of His said Royal Highness of the Premises agreed to be sold, and cause a Receipt or Acknowledgment to be given for the Purchase Money under the Hands of the Receiver General of the said Duchy; and every such Conveyance and Receipt may be according to the Forms for those Purposes respectively set forth in the Second Schedule to this Act annexed, or in any other Forms which may be deemed more convenient; and every such Conveyance shall be valid and sufficient to pass all the Estate, Right, and Interest of His said Royal Highness, His Heirs and Successors, in and to the Part to which the same shall relate, of the Lands and Possessions of the said Duchy, to the Person therein named as the Grantee for such Estate or Estates, to such Uses, and upon and for such Trusts, Interests, and Purposes, (if any,) as shall in and by such Conveyance, or by reference therein, or any other Instrument or Deed, be expressed or declared of or concerning the same.

Power to enfranchise Copyhold or Customary Lands.

III. And be it enacted, That it shall be lawful for the Council of His said Royal Highness and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to enfranchise any Messuages, Lands, or Tenements holden of any Manor, Parcel of the Possessions of the said Duchy of *Cornwall*, either with or without the Mines, Minerals, Stone, Substrata, or any of them, in, upon, or under the same, and either together with or without all or any such Common Rights, Liberties, and Privileges as shall have been appendant or appurtenant to or held or enjoyed with such Messuages, Lands, or Tenements immediately before the Enfranchisement thereof, and with such Reservations, Exceptions, and Restrictions, (if any,) and at or for such gross Price or Consideration in Money, or such annual or other Rents or Payments, as the Council of His said Royal Highness shall think reasonable; and all Sums of Money agreed to be received for the Enfranchisement of any such Messuages, Lands, or Tenements shall be paid into the Bank of *England*, or to the Receiver General of the said Duchy, or other the Receiver or

Agent to be appointed as aforesaid, in the same Manner as hereinbefore directed with regard to Purchase Monies on Sales by the said Council; and it shall be lawful for the said Council, upon Payment of the Enfranchisement Money in manner aforesaid, to cause to be executed any Deed or Assurance under the Great or Privy Seal of His said Royal Highness (which Deed may be according to the Form for that Purpose set forth in the said Second Schedule to this Act annexed, or in any other Form which may be deemed more convenient), granting unto the Copyhold or Customary Tenant of such Messuages, Lands, or Tenements, and his Heirs, or in such Manner as he shall direct or appoint, the Freehold and Inheritance of the same Messuages, Lands, and Tenements, to be holden as of the Manor within which the same are situate; and every such Grant shall be valid and effectual against His said Royal Highness, His Heirs and Successors; and every Person taking under any such Grant, and his Heirs or Assigns, shall from thenceforth, according to the Estate which shall be granted, have, hold, and enjoy the Messuages, Lands, and Tenements which shall be so granted, with the Appurtenances, discharged from all Customary or Copyhold Tenures, and all manner of Quit Rents, Chief Rents, or Customary Rents, Fines, Heriots, and other Customary Payments, either annual or otherwise, which by or according to the Custom of the Manor of which the same shall have been previously holden would from thenceforth have been payable to His said Royal Highness, His Heirs and Successors, in respect of such Messuages, Lands, or Tenements, but subject nevertheless to such Rights and Powers to enter, get, carry away, and dispose of any Mines, Minerals, Stones, and Substrata which shall be excepted or reserved out of or upon any such Enfranchisement, and to all such other Reservations, Exceptions, Restrictions, Rights, Powers, Privileges, Rents, or Payments, (if any,) as may be excepted, reserved, granted, or made payable in consideration of or upon such Enfranchisement, and shall hold and enjoy, as Freehold Tenant of such Manor, all such Commons and Commonable Rights in and upon every or any of the Commons or Waste Grounds, Parcel of such Manor, as shall have been appendant or appurtenant to or held or enjoyed with the said Messuages, Lands, or Tenements immediately before the Enfranchisement thereof, and shall be thereupon granted as aforesaid.

IV. And be it enacted, That it shall be lawful for any Body Politic, Corporate, or Collegiate having any Estate or Interest in any Hereditaments which may be subject to any Rent, or any Manorial, Forestal, or other Rights hereby authorized to be sold, to contract for and purchase such Rent, or such Manorial, Forestal, or other Rights, the Statutes of Mortmain, or any other Act or Law, to the contrary notwithstanding.

V. And be it enacted, That where any Lunatic, Infant, Feme Covert, or other incapacitated Person shall be interested in any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or in any Copyhold or Customary Tenements hereby authorized to be enfranchised, then and in such Case it shall be lawful for the Committee of such Lunatic, or the Guardian of such Infant, or the Trustee for such

Corporations empowered to purchase Rents charged on their own Lands.

Trustees for incapacitated Persons empowered to purchase Rents and to enfranchise Lands; but if the Purchase Money exceeds 200l.

with Sanction
of a Court of
Equity.

Feme Covert or other Person under Incapacity, to contract and purchase such Rent, or such Manorial, Forestal, or other Rights, or to contract for and take the Enfranchisement of any such Copyhold or Customary Tenements, on behalf of such Lunatic, Infant, Feme Covert, or other incapacitated Person, and to apply any Monies in his Hands belonging to such Lunatic, Infant, Feme Covert, or other incapacitated Person for that Purpose, and in Payment of the Expences attending the same; and this Act, without any further Authority, except in the Instance herein-after mentioned, shall be a sufficient Indemnity to every such Committer, Guardian, and Trustee for the Application of the Money applied in such Purchase or Enfranchisement, and in Payment of the Expences attending the same: Provided nevertheless, that if the Purchase or Enfranchisement Money shall exceed the Sum of Two hundred Pounds the same shall not be so applied without the Sanction and Authority of the High Court of Chancery, which Sanction and Authority the said Court is hereby empowered to give on Petition in a summary Way, or otherwise, as to the same Court shall seem fit.

Tenant of particular Estates authorized to raise Money to redeem Quit Rents, Manorial Rights, &c., and for the Purchase of Enfranchisements; but if the Money raised exceed 200*l.*, with Sanction of a Court of Equity.

VI. 'And whereas Cases may occur in which it may be desirable that Rents, or Manorial, Forestal, or other Rights, hereby authorized to be sold, should be purchased, in order that the same may become extinguished, or that Copyhold or Customary Hereditaments hereby authorized to be enfranchised should be enfranchised; but by reason of the Hereditaments subject to such Rents, Manorial, Forestal, or other Rights, or such Copyhold or Customary Tenements, not being vested in any Person for an Estate of Fee Simple, or an absolute Estate of Inheritance in possession, or by reason of some Incapacity in the Owner thereof, special Provisions may be expedient for facilitating such Purchases or Enfranchisements;' be it therefore enacted, That it shall be lawful for any Tenant for Life or Lives, Tenant in Tail, or Tenant for any determinable Fee or determinable Estate of Inheritance, of any Hereditaments upon which any Rent hereby authorized to be sold may be charged, or which may be subject to any Manorial, Forestal, or other Rights hereby authorized to be sold, or of any Copyhold or Customary Tenements hereby authorized to be enfranchised, and for the Committee of any Lunatic, the Guardian of any Infant, or the Trustee for any Feme Covert or other Person under any Incapacity, or the Husband of any Feme Covert, which Lunatic, Infant, Feme Covert, or other incapacitated Person shall be Owner of or beneficially interested in any such Hereditaments as aforesaid, for Life, in Tail, or in Fee, or for an Estate of Inheritance, either absolute or determinable, by any Deed or Instrument in Writing to raise any Sum of Money for the Purpose of purchasing such Rent, or Manorial, Forestal, or other Rights, or the Enfranchisement of such Copyhold or Customary Tenements, and paying the Expences attending such Purchase or Enfranchisement, by Mortgage of the said Hereditaments, either in Fee Simple or for any Term of Years, or otherwise, or by Sale of a sufficient Part thereof, or otherwise to charge and incumber the same with such Sum and the Interest thereof, in such Manner as he shall think proper; and every such Mortgage, Sale, Charge, and Incumbrance shall be good and valid in the Law against all Tenants in remainder
or

or reversion, and all other Persons interested in or entitled to the Premises so sold, mortgaged, charged, or incumbered, and all other Persons entitled to or claiming any Debt, Charge, or Incumbrance affecting the Premises so sold, mortgaged, charged, or incumbered; and such Mortgages, Charges, and Incumbrances shall have Priority over all other Debts, Charges, and Incumbrances on the same Premises: Provided nevertheless, that if such Purchase Money shall exceed the Sum of Two hundred Pounds the same shall not be so raised without the Sanction of the said Court of Chancery, which Sanction the said Court is hereby authorized to grant upon Petition in a summary Way, or otherwise, as to the same Court shall seem fit.

VII. And be it enacted, That it shall be lawful for the Council of His said Royal Highness and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to exchange any Part or Parts of the Lands or Possessions of the said Duchy of *Cornwall* for any Lands, Tenements, or Hereditaments in *England* belonging to any Person whomsoever, and for that Purpose to authorize such Contracts or Agreements to be entered into as to the said Council shall seem proper; and for the Purpose of effecting any such Exchange of any Part of the said Lands or Possessions of the said Duchy it shall be lawful for the said Council to cause a Conveyance to be made to the Person with whom the said Exchange is proposed to be made, or in such Manner as he shall direct or appoint, of the Part or Parts proposed to be given in exchange of the Lands and Possessions of the said Duchy; and every such Conveyance shall be made under the Great or Privy Seal of His said Royal Highness, and may be in the same Form, as nearly as may be, as that set forth in the said Second Schedule to this Act annexed for Conveyances on Sales of any Parts of the said Lands or Possessions, or in any other Form which may be found more convenient; and every such Conveyance shall be valid and sufficient to pass all the Estate, Right, and Interest of His said Royal Highness, His Heirs and Successors, in and to the Part to which the same shall relate, of the Lands and Possessions of the said Duchy, to the Person therein named as the Grantee, for such Estate, to such Uses, and upon and for such Trusts, Intents, and Purposes, (if any,) as shall in and by such Conveyance, or by Reference therein to any other Deed or Instrument, be expressed or declared of or concerning the same; and the Conveyance of the Lands, Tenements, or Hereditaments to be received in exchange on the Part of His said Royal Highness, His Heirs and Successors, may be according to the Form for that Purpose set forth in the said Second Schedule to this Act annexed, or in any other Form which to the said Council may seem more proper; and the Lands, Tenements, or Hereditaments so received in exchange shall on the Execution of the Conveyances thereof respectively become to all Intents and Purposes Part and Parcel of the Lands and Possessions of the said Duchy of *Cornwall*, and subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Lands and Possessions of the said Duchy.

VIII. And be it enacted, That it shall be lawful for the Council of His said Royal Highness to receive or pay any Sum of Money

The Council
may exchange
Lands.

Power to give
or receive
Money for

Equality of Exchange.

for equalizing any Exchange to be made under the Authority of this Act; and all Sums of Money which shall have been agreed to be received on the Part of His said Royal Highness for Equality of Exchange shall be paid into the Bank of *England*, or to the Receiver General of the said Duchy, or other Receiver or Agent to be appointed as aforesaid, in the same Manner as herein-before directed with regard to Purchase Monies on any Sales by the said Council.

The Council may purchase Lands, &c.

IX. And be it enacted, That it shall be lawful for the Council of His said Royal Highness, at any Time or Times during His Minority, to purchase, for and on behalf of His said Royal Highness, His Heirs and Successors, any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in *England* in Fee Simple, or any Copyhold Lands or Hereditaments the Freehold of which shall be in His said Royal Highness, or any Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights, whether in Fee Simple or not, which shall be issuing out of or charged upon, or extend or be exercised over, any of the Lands or Possessions of the said Duchy of *Cornwall*, and which shall in the Judgment of the said Council be desirable to be purchased for and on behalf of His said Royal Highness, His Heirs and Successors, and for those Purposes to enter into and make, or authorize to be entered into and made, such Contracts or Agreements as to the said Council shall seem proper; and all such Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges and Rights so to be purchased, shall be conveyed or surrendered to His said Royal Highness, His Heirs and Successors; and such Conveyances may be either according to the Form for that Purpose set forth in the said Second Schedule hereto annexed, or in any other Form which to the said Council shall seem more proper; and all Manors, Lordships, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, and shall not become extinct by the Conveyance or Surrender thereof, shall on the Completion of the respective Purchases thereof become to all Intents and Purposes Part and Parcel of the Lands and Possessions of the said Duchy of *Cornwall*, and be subject to the same Limitations, Provisions, Powers, and Authorities in every respect, including the Powers and Provisions in this Act contained, as the other Lands and Possessions of the said Duchy.

The Council may purchase Leases.

X. And be it enacted, That it shall be lawful for the Council of His said Royal Highness, at any Time during the Minority of His said Royal Highness, to purchase or take in exchange from any Person whomsoever any Lease, Term of Years, or Chattel Interest which may for the Time being be subsisting of or in any Manors, Messuages, Lands, Tenements, or Hereditaments, Part of the Lands or Possessions of the said Duchy, and to enter into such Contracts or Agreements for that Purpose as to the said Council shall seem proper.

Leases purchased under the Authority of this Act may either be merged or kept on foot.

XI. And be it enacted, That in every Case in which any subsisting Lease, Term of Years, or Chattel Interest of or in any Part of the said Lands and Possessions of the said Duchy shall be purchased or taken in exchange by the Council of His said Royal Highness it shall be lawful for the said Council either to cause the

the same to be surrendered to His said Royal Highness or otherwise, in order that the same may merge in the Reversion expectant thereon, and become extinguished therein, or to cause the same to be assigned to any Person as a Trustee for His said Royal Highness, His Heirs and Successors, in order that the same may be kept on foot distinct from the Inheritance.

XII. And be it enacted, That the Powers of Sale and Exchange herein-before given to the Council of His said Royal Highness shall extend to the enabling them to sell any Lease which shall have been purchased or taken in exchange under the Provisions herein-before contained, and shall not have been surrendered or merged, and to exchange the same either for any Lands held in perpetuity, or for any other Lease hereby authorized to be purchased, and to convey any Part or Parts of the Lands and Possessions of the said Duchy in exchange for any such Lease; and that on every such Sale or Exchange the Purchase Money, or any Sum of Money agreed to be received on the Part of His said Royal Highness for Equality of Exchange, shall be paid in the same Manner as is herein-before directed with respect to Purchase Monies on Sales of any other Part of the Lands and Possessions of the said Duchy; and the said Council shall on the Sale of any Lease, Term of Years, or Chattel Interest which shall have been purchased or taken as aforesaid, on Payment of the Purchase Money, or in case of an Exchange of any such Lease, Term of Years, or Chattel Interest, on the Conveyance or Assignment of the Lands and Hereditaments to be received in exchange being executed, cause the Trustee in whom the said Lease, Term of Years, or Chattel Interest shall be then vested to assign the same to the Purchaser, or as he shall direct; and every such Assignment shall be good; valid, and effectual; and the Parties claiming under any such Assignment shall hold the said Lease, Term of Years, or Chattel Interest discharged from any Trust for His said Royal Highness, His Heirs and Successors; and the said Council shall, in and by such Assignment, or by a separate Instrument, at the Option of the Purchaser or Person paying the same, acknowledge the Payment of the Purchase Money, or the Money, if any, to be received by His said Royal Highness for Equality of Exchange.

Powers of Sale and Exchange to extend to Leases purchased.

XIII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and for all Trustees, for the Time being possessed of or entitled to any Leases, Terms of Years, or Chattel Interests, or to any Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, or other Charges or Rights which the Council of His said Royal Highness shall be desirous of purchasing, under the Powers herein-before given, and for all Tenants for any Interest short of an absolute Interest therein, and for the Guardian or Committee of any Person interested therein who shall be an Infant, Lunatic, Idiot, or otherwise incapacitated to act for himself, to contract and agree with the said Council for the absolute Sale to His said Royal Highness of such Leases, Terms, Chattel Interests, Manors, Lordships, Messuages, Lands, Tenements, Hereditaments, Rents, Annuities, Pensions, Rights of Common or Mining, Charges or Rights, and to assign, release, convey, or surrender the same

Incorporated Persons empowered to sell.

accordingly; and every such Contract, Agreement, Assignment, Release, Conveyance, and Surrender shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if the same were made by a Person absolutely entitled to the Property sold, and under no Disability or Incapacity.

Application of
Purchase
Money in case
of Purchase
from Persons
incapacitated.

XIV. And be it enacted, That where any Purchase shall be made from any Body Politic, Corporate, or Collegiate, or Person under any Disability or Incapacity, or not having Power to sell, except under the Provisions herein-before contained, the Purchase Money, in case the same shall amount to the Sum of Fifty Pounds, shall with all convenient Speed be paid into the Bank of *England*, with the Privity of the Accountant General of the Court of Chancery, to be placed to the Account of such Accountant General *ex parte* the Duke of *Cornwall*, without Fee or Reward; and 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, or otherwise, as the said Court shall think just and equitable, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Property; and in the meantime, until the same shall be so applied, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated Bank Annuities; and the Dividends and annual Produce of the said Consolidated Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Property sold; but such Money, in case the same shall not amount to the Sum of Fifty Pounds, shall be applied, in such Manner as the Council of His said Royal Highness shall think fit, for the Benefit of the Party or Parties who shall have been interested in or entitled to such Property.

Similar Pro-
vision as to
Monies to be
received for
Equality of
Exchange.

XV. And be it enacted, That where any Exchange shall be made with any Body Politic, Corporate, or Collegiate, or Person under any Disability or Incapacity, or not having Power to exchange, except under the Provisions herein-before contained, and any Money shall on such Exchange be agreed to be paid by the Council of His said Royal Highness for Equality of Exchange, such Money shall be paid and applied as herein-before directed in the Case of Purchase Money on a Purchase from any Body Politic, Corporate, or Collegiate, or Person under Disability or Incapacity or not having Power to sell, except under the Provisions herein-before contained.

Persons in
possession to be
deemed entitled
till the contrary
be shown.

XVI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, pursuant to the Directions of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of such Bank Annuities, the Person who shall have been in possession of the Property so purchased or exchanged at the Time of the Purchase or Exchange shall be deemed to have been lawfully entitled to such Property according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery.

Chancery, and the Dividends or Interest of the Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession or Receipt was wrongful, and that some other Person was lawfully entitled to such Property.

XVII. And be it enacted, That the Council of His said Royal Highness shall cause all Sums of Money, Bills or Drafts, received under the Authority of this Act by the Receiver General of the said Duchy, or by any other Receiver or Agent to be appointed as aforesaid, on the Sale or Exchange of any Parts of the Lands or Possessions of the said Duchy, or on the Enfranchisement of any Messuages, Lands, or Tenements, to be paid, as soon as conveniently may be, into the Bank of *England*, to the Account of the Duke of *Cornwall*.

The Council to cause all Sums received by the Receiver General, &c. under this Act to be paid into the Bank.

XVIII. And be it enacted, That all Sums so to arise and be received under the Authority of this Act for or in respect of any Sales of any of the Lands and Possessions of the said Duchy, or for the Enfranchisement of any Messuages, Lands, or Tenements, or for Equality of Exchange of any of the said Lands and Possessions of the said Duchy, shall be applied in the Payment of the Expences on the Part of His said Royal Highness of or relating to such Sales, Enfranchisements, or Exchanges, and in Payment of the Purchase Monies of any Manors, Messuages, Lands, Tenements, Leases, Terms of Years, Chattel Interests, Hereditaments, Rents, Pensions, Annuities, Rights of Common or Mining, Charges or other Interests, to be purchased under the Authority of this Act, and in Payment of the Monies to be paid for Equality of Exchange on any Exchange to be made under the Authority of this Act, and of the Expences of the said Duchy in or relating to such Purchases or Exchanges, and in Payment of all Sums payable by the Duke of *Cornwall* under or by virtue of an Act passed in the present Year of the Reign of Her Majesty, intituled *An Act for confirming and enfranchising the Estates of the Conventiary Tenants of the ancient Assessionable Manors of the Duchy of Cornwall, and for quieting Titles as against the Duchy; and for other Purposes*, and in improving the Lands or Possessions of the said Duchy, by erecting Buildings or executing other Works thereon, or in reclaiming Waste Lands, or otherwise, and in the Discharge of any Incumbrances which now or hereafter are or may be charged upon or affect any of the said Lands and Possessions of the said Duchy.

Application of the Monies to arise from Sales, &c.

7&8 Vict. c.106.

XIX. And be it enacted, That all Payments out of the Monies which shall have been paid into the Bank of *England* to the Account of the Duke of *Cornwall*, under the Authority of this Act, shall be made by Drafts under the Hands of any Three or more Members of the Council of His said Royal Highness; and Drafts so drawn, and such only, shall be sufficient Authority to the Governor and Company of the Bank of *England* to pay the Amounts thereof to the Persons mentioned in such Drafts, or to the Bearers of them.

Payments to be made by Drafts on the Bank, and such Drafts to be an Authority to the Bank.

XX. And be it enacted, That it shall be lawful for the Council of His said Royal Highness to cause any Monies to arise or be received from or in respect of any Sale or Exchange of any of the Lands or Possessions of the said Duchy, or for the Enfranchisement

Sums arising from Sales, and not immediately wanted, to be invested in the Three per Cents.

ment of any Messuages, Lands, or Tenements as aforesaid, and which may not be immediately wanted for any of the Purposes to which the same are hereby made applicable, to be laid out in the meantime in the Purchase of Three Pounds *per Centum* Bank Annuities in the Name of the Duke of *Cornwall*, in which Name the Governor and Company of the Bank of *England* are hereby authorized and required to permit Transfers to be made of the Annuities to be so purchased; and such Transfers shall be accepted by some Officer of the said Duchy, or other Person authorized in that Behalf by the said Council.

Application of
Dividends of
Stock.

XXI. And be it enacted, That the Amount of the Dividends of the Stocks and Annuities to be purchased as last aforesaid shall, from Time to Time as the said Dividends shall become due, be paid by the Governor and Company of the Bank of *England* to the Receiver General of the said Duchy, and shall be deemed and taken to be Part of the Revenues of the said Duchy, and shall be from Time to Time answered, accounted for, applied, and appropriated to such and the same Uses and Purposes as the other Revenues of the said Duchy.

Stock may be
sold when
wanted.

XXII. And be it enacted, That when and so often as it shall be necessary or expedient to raise any Sum of Money for any Purpose to which Monies to be received under the Authority of this Act from any Sale or Exchange of any of the Lands and Possessions of the Duchy, or from the Enfranchisement of any Messuages, Lands, or Tenements as aforesaid, are hereby made applicable, it shall be lawful for the Council of His said Royal Highness from Time to Time to sell out all or any Part of the said Bank Annuities so to be purchased as aforesaid, and also all or any Part of the said Bank Annuities mentioned in the said First Schedule to this Act annexed, and also all or any Part of such Bank Annuities as shall or may hereafter, under or by virtue of any Acts of Parliament, be purchased with Monies arising from Lands or Possessions of the said Duchy, and for the Benefit of the said Duchy; and the Monies produced by the Sale of any of the said Bank Annuities shall be paid into the Bank of *England*, and be placed to the Credit of the Duke of *Cornwall*, and shall be applied and disposed of by the Council of His said Royal Highness in the same Manner and for the same Purposes as and considered in all respects as Part of the Sums to be received under the Authority of this Act for or in respect of any Sales or Exchanges of any of the Lands or Possessions of the said Duchy.

Transfers may
be made by
Power of
Attorney.

XXIII. And be it enacted, That all Sums of Stock which shall be sold under the Provisions herein-before contained may be transferred by any Person or Persons to be appointed by the Council of His said Royal Highness for that Purpose by any Letter of Attorney under the Hands of any Three Members of the said Council, or under the Seal of the said Council; and the said Governor and Company of the Bank of *England* shall and they are hereby authorized and required to permit all such Transfers to be so made, and shall be and they are hereby exonerated and precluded from seeing or inquiring whether the Bank Annuities sold were duly and properly sold for the Purposes of and in pursuance of this Act, or otherwise as to the Propriety or Regularity of the Sale or Transfer thereof.

XXIV. And

XXIV. And be it enacted, That it shall be lawful for the Council of His said Royal Highness, and they are hereby authorized and empowered, at any Time during the Minority of His said Royal Highness, to apply and expend any Part of the accruing and ordinary Revenues of the said Duchy for any of the Purposes for which Monies to be received under the Authority of this Act are hereby made applicable.

Council may apply the ordinary Revenues of Duchy for general Purposes of Act.

XXV. And be it enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, to grant to any Copyhold or Customary Tenant of any Messuages, Lands, or Tenements holden of any Manor, Parcel of the Possessions of the said Duchy, a Licence authorizing such Tenant to build on or otherwise improve all or any Part of his Tenement, and to make Roads and Streets in, upon, or through the same, and to annex the same or any Part thereof to adjacent Ground for the Purpose of Improvement, and to pull down any of the Messuages or Erections which now are or at any Time or Times hereafter shall be standing or being on the same Tenement or any Part thereof, and to demise all or any Part of the same Tenement for any Term or Number of Years not exceeding Twenty-one Years, or, for building, rebuilding, or repairing Purposes, for any Term of Years not exceeding Ninety-nine Years, to commence from the Time of granting such Licence, or for any One or more of the Purposes aforesaid; and in every such Licence shall be expressed and fixed the Sum which during the Term to be mentioned in such Licence shall be considered as the annual Value for assessing the Fines payable to His Royal Highness, His Heirs and Successors, upon the Admission of any new Tenant to any Tenement which shall have been built on or improved, or for the building on and improving of which such Licence shall be granted, so that the Sum to be fixed shall not in any Case be less than the best annual Rent which might at the Date of such Licence be reasonably obtained on a Demise of the Premises therein mentioned for a Term of Ninety-nine Years, or for such shorter Term as shall be expressed in any such Licence, without taking any Fine, Premium, or Foregift for the making of such Demise; and so that the Sum so to be fixed shall not be considered as the annual Value according to which the Fine is to be assessed for any greater Number of Years than the Term of Ninety-nine Years, to commence from the Date of such Licence, or such shorter Term as in the said Licence shall be expressed; and so that no Fine, Premium, or Foregift shall be taken for the making or granting of such Licence, save and except the customary annual Fine (if any) for every Year of the said Term to be expressed in such Licence, and such Fees as shall be usual or reasonable in that Behalf; and so that upon the Grant of every such Licence there be saved and reserved to His said Royal Highness, His Heirs and Successors, all Fines, Heriots, Rents, Customs, and Services due and to grow due in respect of the Tenements in respect of which such Licence shall be granted: Provided always, that every such Licence shall be entered on the Court Rolls or Court Books of the Manor of which the Tenement in respect of which such Licence shall be granted is holden.

His Royal Highness may grant Licences to Copyholders to improve their Tenements, and to demise the same.

XXVI. And be it enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, out of the Lands and Possessions

His Royal Highness may make Grants of

Land for Sites
for Churches,
&c.

Possessions of the said Duchy, to give and grant to and vest in any Person, or Body Politic or Corporate, his or their Heirs, Executors, Administrators, or Successors, any Building proper to be used as or converted into a Church or Chapel, or Parochial or District School, and any Ground proper for the Site of any Church or Chapel, with or without a Cemetery or Burial Ground thereto, and any Ground proper for a Cemetery or Burial Ground to any Church or Chapel, and any House, with its Appurtenances, and with or without a Garden thereto, proper for the Residence of the spiritual Person who may serve such Church or Chapel, or of the Master or Mistress of such School, and any Ground proper for the Site or Sites of any such Residence, or of any Parochial or District School, any thing in this Act or any other Law or Statute to the contrary in anywise notwithstanding; and such Person, or Body Politic or Corporate, his or their Heirs, Executors, Administrators, or Successors, shall have full Capacity and Ability to take, hold, and enjoy the same; and whenever it shall be the Pleasure of the said Council, or of His said Royal Highness, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall be lawful for the said Council, or for His said Royal Highness, His Heirs or Successors, to make a Grant thereof to any such Person, Body Politic or Corporate, which Grant shall be enrolled in the Office of the Duchy of Cornwall as aforesaid, and the Enrolment of such Grant shall be certified at the Foot or on the Back thereof, by the Keeper of the Records of the said Duchy, or his Deputy; and the said Grant, when so enrolled, shall be returned, with such Certificate of Enrolment, to the Grantee or Grantees of such Lands and Premises; and from and immediately after such Enrolment thereof the Grantee named in such Grant, and his or their Heirs, Executors, Administrators, or Successors, shall, by force of this Act, be adjudged, deemed, and taken to be in the actual Seisin or Possession of the Premises in the said Grant specified, and shall hold and enjoy the same, either absolutely and in perpetuity, or for such limited Estate, Term, or Interest, and under and subject to such Reservations of Rent, or other Acknowledgments, Conditions, or Restrictions, and upon such Trusts and for such Purposes, as shall be specified, inserted, directed, or contained in such Grant, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable His said Royal Highness, His Heirs or Successors, or His said Council, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid, or to grant any Premises in any One Instance which shall exceed in Value the Sum of Three hundred Pounds.

XXVII. Provided always, and be it enacted, That no Purchase or Sale, except any Purchase or Sale where the Purchase Money shall not exceed One hundred Pounds, and no Exchange, Enfranchisement, or Grant, shall be made under the Powers of this Act without the previous Sanction and Approval of the Lord High Treasurer, or of the Commissioners of Her Majesty's Treasury for the Time being, or some Two or more of them, to be signified by some Warrant under his or their Hand or Hands: Provided nevertheless, that such Sanction and Approval may be given either

Sales, &c. not
to be made
except under
Warrant from
the Treasury.

generally for any particular Class of Cases, or for any particular Purchase, Sale, Exchange, Enfranchisement, or Grant, and either with or without any Condition or Restriction, as to the said Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the Time being, or any Two of them, may seem meet.

XXVIII. And be it enacted, That no Person claiming under any Deed or Instrument by which any Sale, Enfranchisement, Exchange, Licence, or Grant shall be made or purport to be made under the Authority of this Act shall be bound to inquire whether the Provisions of this Act have been duly complied with or not, or whether such Sale, Enfranchisement, Exchange, Licence, or Grant has been in fact authorized by this Act or not, or whether it has or has not been within the Provisions and the true Intent and Meaning of this Act; but every Deed or Instrument by which any Sale, Enfranchisement, Exchange, Licence, or Grant shall purport to be made under the Authority of this Act shall be good, valid, and effectual, as against His said Royal Highness, His Heirs and Successors, for the Purposes for which the same shall have been executed.

Purchasers, &c. not to be bound to see that Provisions of the Act have been complied with;

XXIX. And be it enacted, That no Person paying any Sum of Money under the Authority or supposed Authority of this Act, or in pursuance of or purporting to be in pursuance of any Provision herein contained, shall be bound to see to the Application or be answerable for the Misapplication or Nonapplication of the Money so paid.

nor to see to the Application of the Purchase Money.

XXX. And be it enacted, That every Deed or Instrument whereby any Manors, Messuages, Lands, Tenements, or Hereditaments now or at any Time hereafter Parcel of the Lands or Possessions of the Duchy of *Cornwall* shall be hereafter purchased, sold, exchanged, leased, licensed to be demised, enfranchised, or granted, under the Authority of this Act or of any other Act, or otherwise, shall, within Six Calendar Months after the Date of such Deed or Instrument, be enrolled in the Office of the Duchy of *Cornwall*.

Deeds, &c. relating to Lands, &c. to be enrolled.

XXXI. And be it enacted, That the Keeper of the Records of the Duchy of *Cornwall* shall be and he is hereby required to enrol every Deed and Instrument hereby directed to be enrolled in the Office of the said Duchy in Order of Time as the same shall respectively be brought to the said Office for that Purpose, and certify under his Hand, or under the Hand of his Deputy for the Time being, upon the said Deeds or Instruments respectively, when enrolled, the Fact of their having been so enrolled.

Keeper of the Records to enrol all Deeds, &c. in due Order of Time, and certify same.

XXXII. Provided always, and be it enacted, That in case of Sales where the Purchase Money shall not amount to the Sum of One hundred Pounds it shall not be necessary to enrol the Conveyances by which such Sales shall be carried into effect; but the said Council of His Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for the Time being, shall once in every Year cause a Statement of the Part or Parts of the said Possessions and Land Revenues of the said Duchy which shall have been so sold, and of the Sum for which the same shall have been sold, and the Names of the respective Purchasers, to be made out, and the same to be enrolled in the Office of the said Duchy.

Exception as to Conveyances on Sales under 100l.

XXXIII. And

Deeds, &c. so enrolled not to require any Enrolment in Courts of Law, &c.

XXXIII. And be it enacted, That every Conveyance, Deed, or Instrument whereby any Estate, Manor, Lordship, Messuage, Lands, Tenements, or Hereditaments, or any Interest therein, shall be conveyed or assigned to His said Royal Highness, His Heirs and Successors, under the Authority of this Act, shall, when so enrolled as herein-before directed, without any Enrolment or Acknowledgment thereof in any Court or Courts of Law or Equity, or any Registry thereof, be as good and available, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same had been or was enrolled in any of Her Majesty's Courts at *Westminster*, or as if a Memorial had been entered or registered in the Office appointed for registering Deeds and other Conveyances of Land and Tenements in the County or Counties in which the same Estates or any of them are situate, any Act, Law, Practice, or Usage to the contrary in anywise notwithstanding; and the Memorandum of such Enrolment, written or endorsed on such Conveyance, Deed, or Instrument, and purporting to be signed by the Keeper of the Records of the Duchy, or his Deputy, shall be Evidence that the same has been duly enrolled according to the Purport and Effect of such Memorandum and to the Provisions of this Act.

Enrolments to be received as Evidence.

XXXIV. And be it declared and enacted, That where any Deed, Certificate, Receipt, or other Instrument which shall appear or purport to have been made, given, or executed under the Authority of this Act, or of any Act heretofore passed relating to the Lands or Possessions of the said Duchy, shall have been enrolled in the Office of the said Duchy, the Enrolment in the Books of the said Office, or an examined Copy thereof, shall, in the Absence of Evidence to the contrary, and without requiring the Production or accounting for the Non-production of the original Deed, Certificate, Receipt, or Instrument, and without calling any attesting Witness thereof, be sufficient Proof of such Original, and of its having been duly made, granted, given, or executed by the Party or Parties by whom the same shall purport to have been signed or executed.

The Council may authorize Enrolments to be made *nunc pro tunc*.

XXXV. And be it enacted, That in all Cases where the Enrolment of any Deed or other Instrument, or Minute or Document, before the said Keeper of the Records, has been or shall be omitted or delayed beyond the Period provided for the Enrolment and Entry thereof respectively, it shall be lawful for the Council of His said Royal Highness, or others the Commissioners for managing the Affairs of the said Duchy for the Time being, for every reasonable Cause to them shown for the Omission or Delay, and they are hereby authorized and empowered, to permit the making of any such Enrolment or Entry *nunc pro tunc*; and the same respectively when made under such Authority shall be as valid and effectual as if made within the Period herein-before limited for that Purpose.

The Act not to affect Fees on Enrolments, &c., to be fixed by the Council.

XXXVI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend or be construed to take away, abridge, or diminish any Fees which are or may hereafter be payable upon the Enrolment of Deeds or other Instruments, or for the Use of or for making Copies of Records in the Office of the said Duchy; and the Council of His said Royal Highness

Highness shall have Power from Time to Time to fix the Amount of Fees to be paid for the Use of the said Records, and for making Copies thereof.

XXXVII ' And whereas, in Leases heretofore granted and now subsisting of Parts of the Lands and Possessions of the said Duchy, there are contained Covenants or Agreements entered into by the respective Lessees with certain Officers of the said Duchy, and Conditions to be taken advantage of or enforced by certain Officers of the said Duchy, and in the same Leases, or in other Leases heretofore granted and now subsisting of Parts of the Lands and Possessions of the said Duchy, there are contained Covenants, Agreements, or Conditions, as to Acts or Things on the Part of the respective Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before, with the Consent, or under the Direction of certain Officers of the said Duchy, and by certain Acts of Parliament and otherwise various Duties and Powers are imposed upon and given to certain Officers of the said Duchy: And whereas Changes have taken place and may hereafter take place in the Persons of such Officers, or in the Titles and Duties of their Offices, and it is expedient that Provision should be made in respect thereof; ' be it therefore enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, from Time to Time or at any Time, to appoint any Officer of the said Duchy, or other Person, by whom and in whose Name any Covenants or Agreements entered into by any Lessee with any other Officer of the said Duchy may be sued upon and enforced, and by whom and in whose Name any Conditions which might be taken advantage of and enforced by any other Officer of the said Duchy may be taken advantage of and enforced; and every such Covenant, Agreement, and Condition shall and may be sued upon, taken advantage of, and enforced by and in the Name of the Officer or other Person for that Purpose appointed as aforesaid, as fully and effectually to all Intents and Purposes, and in the same Manner, as the same might have been sued upon or taken advantage of and enforced by and in the Name of the Officer with whom such Covenants or Agreements were entered into, or by whom such Conditions were to be taken advantage of or enforced; and any such Appointment as aforesaid may be made either for any One Case or for any Class of Cases, or for all Cases generally.

XXXVIII. And be it enacted, That it shall be lawful for His said Royal Highness, His Heirs or Successors, from Time to Time or at any Time, to appoint any Officer of the said Duchy or other Person before or with the Consent or under the Direction of whom all Acts or Things on the Part of any Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before or with the Consent or under the Direction of any Officer of the said Duchy, may be observed, done, or performed, instead of before or with the Consent or under the Direction of the Officer named or described in such Leases as aforesaid; and in every Case in which in any Lease heretofore granted and now subsisting of any Part of the Lands or Possessions of the said Duchy there are contained any Covenants, Agreements, or Condi-

For the Enforcement of certain Covenants in existing Leases.

An Officer of the Duchy to be appointed to control Execution of Leases.

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tions as to any Acts or Things on the Part of the respective Lessees, their Executors, Administrators, or Assigns, to be observed, done, or performed before or with the Consent or under the Direction of any Officer of the said Duchy therein named or described, all and every such Acts or Things shall and may be lawfully and effectually observed, done, or performed before, with the Consent, or under the Direction of any such other Officer of the said Duchy, or other Person for the Time being appointed or authorized in that Behalf as aforesaid; and every Lessee and other Person who, under any Covenant, Agreement, or Condition in any such Lease as aforesaid contained, now is or hereafter shall be bound or liable to observe, do, or perform any such Act or Thing as aforesaid before or with the Consent or under the Direction of any Officer of the said Duchy in the said Lease named or described, shall at all Times hereafter be bound and liable to observe, do, or perform every such Act or Thing before or with the Consent or under the Direction of such other Officer of the said Duchy, or other Person for the Time being appointed or authorized in that Behalf as aforesaid; and in case of any such Lessee or other Person as aforesaid refusing, omitting, or neglecting to observe, do, or perform any such Act or Thing as aforesaid before or with the Consent or under the Direction of such Officer of the said Duchy, or other Person for the Time being to be appointed or authorized as aforesaid, then and in every such Case His said Royal Highness, His Heirs and Successors, shall have and be entitled to all and every the same Rights of Entry, Action, and Suit, and other Rights and Remedies, against the said Lessee or other Person so refusing, omitting, or neglecting as aforesaid, and upon the demised Premises, as His said Royal Highness, His Heirs or Successors, would or might have had if such Lessee or other Person had refused, neglected, or omitted to observe, do, or perform, the same Act or Thing before the Officer of the said Duchy in the Lease named or described in that Behalf; and every such Appointment as last aforesaid may be made either for any One Case or for any Class of Cases, or for all Cases generally.

As to the Performance of Duties imposed on certain Officers.

XXXIX. And be it enacted, That where at any Time heretofore any Duties or Powers have, by any Act of Parliament or otherwise, been imposed upon or given to any Officer of the said Duchy, and such Changes have taken or shall take place in the Functions of such Officer or otherwise as shall render it expedient that such Duties or Powers shall be imposed upon or given to some other Officer of the said Duchy, then and in every or any such Case it shall be lawful for His said Royal Highness to appoint any Officer of the said Duchy to fulfil the Duties and exercise the Powers so imposed upon or given to any other Officer of the said Duchy as aforesaid; and all such Duties and Powers shall and may be fulfilled and executed by the Officer so appointed as aforesaid in his own Name or otherwise, as effectually to all Intents and Purposes, and in the same Manner, as the same may or might be fulfilled or executed by the Officer originally named or appointed for the Purpose thereof; and every such Appointment as last aforesaid may be made either for One Case or for any Class of Cases.

Cases, or for all Cases generally, and either as to all of the Duties or Powers of any Officer, or for some exclusively of the other of such Duties or Powers.

XL. ' And whereas the Business of the Court of the Vice Warden of the Stannaries of *Cornwall* is usually carried on in the Borough of *Truro*, but there is at present no proper Court House or other Accommodation for the said Court, and for the Officers and Suitors thereof: And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Truro* in the County of *Cornwall* intend shortly to rebuild the Town Hall of the said Borough, and have offered, in consideration of the Sum of One thousand five hundred Pounds to be paid to them by the Duke of *Cornwall*, to provide such sufficient Accommodation for the said Court and Officers as herein-after mentioned within the new Town Hall of the said Borough; be it therefore enacted, That, provided the said Mayor, Aldermen, and Burgesses of *Truro* aforesaid shall within Two Years after the passing of this Act rebuild the said Town Hall, and provide within the said Town Hall a Court Room, Record Office, and other Rooms proper and sufficient for the Accommodation of the said Vice Warden and Officers and Suitors of the Court of the Stannaries of *Cornwall*, according to Plans to be approved of by the Council of His said Royal Highness, it shall be lawful for the Council of His said Royal Highness, out of the Revenues of the said Duchy, or out of any Sums of Money to be received under the Authority of this Act, to pay to the said Mayor, Aldermen, and Burgesses of the said Borough of *Truro* the Sum of One thousand five hundred Pounds (the Receipt whereof shall be acknowledged under the Common Seal of the Corporation of *Truro*) towards the Expence of erecting the said Town Hall, and that from and after the Payment of the said Sum of One thousand five hundred Pounds the said Court Room shall at all Times when the same shall be required by the said Vice Warden (except at the Times herein-after mentioned) be exclusively appropriated to the Use of the Vice Warden, Officers, and Suitors of the said Court of the Stannaries of *Cornwall* during the Sittings thereof, and shall be at all such Times, as to the cleaning, lighting, warming thereof, and the Attendance therein, and in all other respects, at the entire Disposal of the said Vice Warden; and as to the said Record Office and other Rooms to be provided as aforesaid, the Registrar and other Officers of the said Court shall at all Times thereafter be entitled to the exclusive Use and Occupation of the same, for the Custody of the Records of the said Court, and the Performance of the Duties of their respective Offices: Provided nevertheless, that the said Court Room shall not be required to be so appropriated as aforesaid on the Ninth Day of *November* in any Year, nor during the Election of a Member of Parliament for the County of *Cornwall* or the Borough of *Truro*; but that the said Mayor, Aldermen, and Burgesses shall at such Times, if necessary, provide some other sufficient Room for the Sittings of the said Court: Provided also, that it shall be lawful for the said Mayor, Aldermen, and Burgesses, or their Successors, at any Time hereafter, to repay to His said Royal Highness, His Heirs or Successors, the said Sum of One thousand five hundred Pounds; and that if at any

For securing the Use of certain Rooms in or belonging to the Town Hall of *Truro* for the Vice Warden and Officers of the Court of the Stannaries of *Cornwall*.

Time

Time hereafter the said Mayor, Aldermen, and Burgesses, or their Successors, shall cease or neglect to provide and maintain such sufficient Rooms and other Accommodation for the Vice Warden, Officers, and Suitors of the said Court, it shall be lawful for His said Royal Highness, His Heirs and Successors, to require such Repayment; and that from and after such Repayment by the said Mayor, Aldermen, and Burgesses, or their Successors, the Obligation to provide and maintain such Rooms and Accommodation aforesaid shall cease.

Her Majesty may exercise the Powers vested in the Prince by this Act.

XXI. And be it declared and enacted, That it shall be lawful for Her Majesty, or for any Persons acting under the Authority of Her Majesty, during the Minority of His said Royal Highness, to exercise, in the Name and on the Behalf of His said Royal Highness, all the Rights and Powers given to or which might be exercised by His said Royal Highness under or by virtue of this Act; and that all Acts, Matters, and Things which shall be done during such Minority, under and by virtue of this Act, in the Name and on the Behalf of His said Royal Highness, by Her Majesty, or any Persons acting under the Authority of Her Majesty, in pursuance of and in conformity with the Powers and Authorities to them in that Behalf committed by Her Majesty, shall be good, valid, and effectual in Law as if the same had been done by His said Royal Highness in His own Person and at His full and perfect Age.

Contracts, &c. may be made by any Three Members of the Council.

XLII. And be it enacted, That where by this Act any Contracts, Assurances, Matters, or Things are directed to be entered into, made, or done by the Council of His said Royal Highness (except in Cases which are herein otherwise specially provided for) it shall be lawful and sufficient for such Contracts, Assurances, Matters, and Things to be entered into, made, or done by any Three or more of the Members of the said Council for the Time being; and all Contracts and Assurances purporting to be signed by any Three or more Members of the said Council as aforesaid shall be received in Evidence without any further Proof thereof.

Licences to get Minerals not subject to Stamp Duty.

XLIII. And be it enacted, That no Licence, Grant, or Lease to search for or work or get Mines, Minerals, Stone, or Substrata belonging to the Duchy of *Cornwall*, for a Period not exceeding One Year from the Date of such Licence, Grant, or Lease, shall be subject to any Stamp Duty whatsoever.

Interpretation of Act.

XLIV. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meetings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Person" shall include a Body Politic or Corporate:

The Words "His Royal Highness, His Heirs and Successors," shall include the Queen's most Excellent Majesty, Her Heirs and Successors, Kings and Queens of *England* for the Time being, entitled to the Lands and Possessions of the Duchy of

Cornwall, or the Revenues thereof, during a Vacancy of the said Duchy :

The Words "Lands and Possessions of the Duchy of *Cornwall*," the Words "Lands or Possessions of the Duchy of *Cornwall*," and the Words "Lands and Possessions," and "Lands or Possessions," applied to the Duchy of *Cornwall*, shall include all Hundreds, Castles, Honors, Lordships, Manors, Forests, Chases, Woods, Parks, Messuages, Lands, Tithes, Fixtures, Franchises, Services, Rents, Pensions, Annuities, Rights, Privileges, Easements, and other Land Revenues, Possessions, Tenements, and Hereditaments whatsoever, Parcel of the Duchy of *Cornwall*, or annexed to the same.

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

SCHEDULES to which this Act refers.

FIRST SCHEDULE.

SUMS of STOCK standing in the Name of the Duke of Cornwall, and Acts under which they were invested.

£	s.	d.			
5,275	7	2	-	3 per Cent. Reduced.	38 Geo. 3. c. 60. Land Tax Redemption Act.
4,576	19	11	-	3 per Cent. Consols.	38 Geo. 3. c. 60. Land Tax Redemption Act.
6,697	2	9	-	3 per Cent. Consols.	5 Geo. 4. c. 78. Act relating to the Rights of Prisage and Butlerage of Wines belonging to the Duchy.
3,741	10	6	-	3 per Cent. Consols.	3 Will. 4. c. 36. Act for making a Railway from London to Birmingham.

SECOND SCHEDULE.

FORM of CONVEYANCE on SALES by Authority of the Council of His Royal Highness.

KNOW all Men by these Presents, That We, Albert Edward Prince of Wales, Duke of Saxony, Duke of Cornwall and Rothsay, Earl of Chester and Carrick, Baron of Renfrew, Lord of the Isles, and Great Steward of Scotland, under the Authority of an Act passed [*here set forth the Title of this Act*], in consideration of the Sum of _____ by *A.B.* of, &c. paid [*here describe the Mode of Payment, whether into the Bank of England, or to the Receiver General, Receiver, or Agent of the Duchy*], do by these Presents grant unto the said *A.B.*, his Heirs and Assigns, [*or, if the Conveyance be to a Trustee or Trustees for the Purchaser,*] do by these Presents, by the Direction and on the Nomination of the said *A.B.*, grant unto *C.D.* of, &c., and his Heirs, all that [*here describe the Premises to be sold, and any subsisting Leases, Contracts, or Charges affecting the same,* 7 & 8 VICT. U and

and in case of Rents, or other incorporeal Hereditaments, Rights, or Charges, describe the Lands which the same are charged on or extend over], together with [insert here the general Words applicable to the particular Description of Property], to have and to hold the said Premises unto and to the Use of the said A. B., his Heirs and Assigns for ever, [or unto the said C. D., his Heirs and Assigns, as the Case may be; and any Uses to which the Grant is intended to enure, or any Trusts or Purposes upon or for which the Grantees are to hold the Premises, may be declared either by setting out the same on the Grant or by Reference to any other Deed or Instrument; and if the Purchase is of a Rent, Right, or Charge which is meant to be extinguished, add] to the Intent that the said [here describe the Rent, Right, or Charge.] shall cease and be extinguished, and the said [describe shortly the Premises on which the Rent, Right, or Charge is charged.] may be absolutely freed and for ever discharged from the same; [or if the Purchase be of a Rent, Right, or Charge that is not meant to be extinguished, add] and it is hereby declared that the said [here describe the Rent, Right, or Charge.] shall not become extinguished by the Grant thereof hereby made, but shall subsist and continue for the Benefit of the Parties entitled thereto under this Grant. In witness whereof to these Presents the Great [or Privy] Seal of Our Duchy of Cornwall hath been affixed and set, this Day of in the Year of our Lord

FORM OF RECEIPT.

RECEIVED the Day of of and from the above-named [or, if the Receipt is endorsed, the within-named,] the Sum of being the Consideration Money expressed in the above- [or within-] written Conveyance.

Witness my Hand,

A. B., Receiver General of the
Duchy of Cornwall.

FORM OF ENFRANCHISEMENT DEED.

KNOW all Men by these Presents, That We, Albert Edward Prince of Wales, &c. [insert the Titles of the Prince, as in the Form of Conveyance on Sales], under the Authority of an Act passed [set forth the Title of this Act], in consideration of the Sum of by A. B. of paid [describe the Mode of Payment as directed in the said Form of Conveyance on Sales, or otherwise as may be proper], do by these Presents enfranchise and grant unto the said A. B., his Heirs and Assigns, all that [here describe the Premises to be enfranchised, including any Rights of Common, &c. intended to be comprised in the Grant], and all Heriots, Quit Rents, Duties, Suit and Service of Court, and all other Customs and Services due and payable for or in respect of the same Premises or any of them, together with [insert here the general Words applicable to the particular Description of Property], but saving and excepting out of this present Enfranchisement and Grant [insert here the Description of the Mines, Minerals, or other Things (if any) meant to be excepted out of the Enfranchisement, with appropriate Rights and Powers],

and in case of Rents, Commons, or other incorporeal Hereditaments also describe the Lands, &c. which the same extend over], together with [insert here the general Words applicable to the particular Description of Property], to have and to hold the said Premises to His said Royal Highness, His Heirs and Successors [here insert any Covenants for Title or other Covenants which may have been required from the Vendors]. In witness whereof I the said A.B. have hereunto set my Hand and Seal, this Day of
in the Year of our Lord

C A P. LXVI.

An Act to amend the Laws relating to Aliens.

[6th August 1844.]

12&13W.3.c.2. ' WHEREAS it is expedient that the Laws now in force
1 G. 1. Sess. 2. c. 4. ' affecting Aliens should be amended, and that Her Majesty
14 G. 3. c. 84. ' should be enabled to grant to Aliens the Rights and Capacities
of British Subjects, under such Regulations and with such Restrictions and Exceptions as are herein-after provided: And whereas an Act of Parliament was made and passed in the Twelfth Year of the Reign of His late Majesty King William the Third, intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*; and another Act of Parliament was made and passed in the First Year of the Reign of His late Majesty King George the First, intituled *An Act to explain an Act made in the Twelfth Year of the Reign of King William the Third, intituled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject'*; and another Act of Parliament was made and passed in the Fourteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent certain Inconveniences that may happen by Bills of Naturalization*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Parts of the said recited Acts of Parliament as are inconsistent with the Provisions of this Act shall be repealed.

Provisions of recited Acts inconsistent herewith repealed.

Certain Provision of 1 G. 1. c. 4. repealed.

Every Person born of a British Mother may hold Real or Personal Estate.

II. And be it enacted, That so much of the said Act of the First Year of the Reign of King George the First as provides, that no Person shall hereafter be naturalized unless in the Bill exhibited for that Purpose there shall be a Clause or particular Words inserted to declare that such Person shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office either civil or military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown to himself or any other Person in trust for him, and that no Bill of Naturalization shall hereafter be received in either House of Parliament unless such Clause or Words be first inserted, be repealed.

III. And be it enacted, That every Person now born, or hereafter to be born, out of Her Majesty's Dominions, of a Mother being a natural-born Subject of the United Kingdom, shall be

capable of taking to him, his Heirs, Executors, or Administrators, any Estate, Real or Personal, by Devise or Purchase, or Inheritance of Succession.

IV. And be it enacted, That from and after the passing of this Act every Alien, being the Subject of a friendly State, shall and may take and hold, by Purchase, Gift, Bequest, Representation, or otherwise, every Species of Personal Property, except Chattels Real, as fully and effectually to all Intents and Purposes, and with the same Rights, Remedies, Exemptions, Privileges, and Capacities, as if he were a natural-born Subject of the United Kingdom.

Alien Friends may hold every Species of Personal Property except Chattels Real.

V. And be it enacted, That every Alien now residing in, or who shall hereafter come to reside in, any Part of the United Kingdom, and being the Subject of a friendly State, may, by Grant, Lease, Demise, Assignment, Bequest, Representation, or otherwise, take and hold any Lands, Houses, or other Tenements, for the Purpose of Residence or of Occupation by him or her, or his or her Servants, or for the Purpose of any Business, Trade, or Manufacture, for any Term of Years not exceeding Twenty-one Years, as fully and effectually to all Intents and Purposes, and with the same Rights, Remedies, Exemptions, and Privileges, except the Right to vote at Elections for Members of Parliament, as if he were a natural-born Subject of the United Kingdom.

Subjects of a friendly State may hold Lands, &c. for the Purpose of Residence, &c. for Twenty-one Years.

VI. And be it enacted, That upon obtaining the Certificate and taking the Oath herein-after prescribed every Alien now residing in, or who shall hereafter come to reside in, any Part of Great Britain or Ireland with Intent to settle therein, shall enjoy all the Rights and Capacities which a natural-born Subject of the United Kingdom can enjoy or transmit, except that such Alien shall not be capable of becoming of Her Majesty's Privy Council, nor a Member of either House of Parliament, nor of enjoying such other Rights and Capacities, if any, as shall be specially excepted in and by the Certificate to be granted in manner herein-after mentioned.

Aliens to become naturalized upon obtaining Certificate, taking prescribed Oath, &c.

VII. And be it enacted, That it shall be lawful for any such Alien as aforesaid to present to One of Her Majesty's Principal Secretaries of State a Memorial, stating the Age, Profession, Trade, or other Occupation of the Memorialist, and the Duration of his Residence in Great Britain or Ireland, and all other the Grounds on which he seeks to obtain any of the Rights and Capacities of a natural-born British Subject, and praying the said Secretary of State to grant to the Memorialist the Certificate herein-after mentioned.

Aliens desirous of becoming naturalized to present a Memorial.

VIII. And be it enacted, That every such Memorial shall be considered by the said Secretary of State, who shall inquire into the Circumstances of each Case, and receive all such Evidence as shall be offered, by Affidavit or otherwise, as he may deem necessary or proper for proving the Truth of the Allegations contained in such Memorial; and that the said Secretary of State, if he shall so think fit, may issue a Certificate, reciting such of the Contents of the Memorial as he shall consider to be true and material, and granting to the Memorialist (upon his taking the Oath herein-after prescribed) all the Rights and Capacities of a natural-born British Subject, except the Capacity of being a Member

Memorial to be considered by the Secretary of State for the Home Department, who may issue a Certificate.

Member of the Privy Council or a Member of either House of Parliament, and except the Rights and Capacities (if any) specially excepted in and by such Certificate.]

Certificate to be enrolled in Chancery.

IX. And be it enacted, That such Certificate shall be enrolled for safe Custody as of Record in Her Majesty's High Court of Chancery, and may be inspected, and Copies thereof taken, under such Regulations as the Lord High Chancellor shall direct.

Oath to be taken.

X. And be it enacted, That, within Sixty Days from the Day of the Date of such Certificate, every Memorialist to whom Rights and Capacities shall be granted by such Certificate shall take and subscribe the following Oath; (that is to say,)

' I *A. B.* do sincerely promise and swear, That I will be faithful and bear true Allegiance to Her Majesty Queen *Victoria*, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which may be made against Her Person, Crown, or Dignity; and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my Power the Succession of the Crown, which Succession, by an Act, intitled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia Electress of Hanover*, and the Heirs of her Body, being Protestants, hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm.

So help me GOD!

Which Oath shall be taken and subscribed by such Memorialist, and shall be duly administered to him or her, before any of Her Majesty's Judges of the Court of Queen's Bench or Court of Common Pleas or Court of Exchequer, or before any Master or Master Extraordinary in Chancery; and that the Judge or Master or Master Extraordinary in Chancery, whether in *England* or in *Ireland*, before whom such Oath may be administered, shall grant to the Memorialist a Certificate of his or her having taken and subscribed such Oath accordingly; and such Certificate shall be signed by the Judge, Master or Master Extraordinary in Chancery, before whom such Oath shall be administered.

Proceedings for obtaining Certificate.

XI. And be it enacted, That the several Proceedings hereby authorized to be taken for obtaining such Certificate as aforesaid shall be regulated in such Manner as the Secretary of State shall from Time to Time direct.

Amount of Fees.

XII. And be it enacted, That the Fees payable in respect of the several Proceedings hereby authorized shall be fixed and regulated by the Commissioners of Her Majesty's Treasury.

Naturalized Persons resident Five Years to enjoy Rights as Aliens.

XIII. And be it enacted, That all Persons who shall have been naturalized before the passing of this Act, and who shall have resided in the United Kingdom during Five successive Years, shall be deemed entitled to and shall enjoy all such Rights and Capacities of *British* Subjects as may be conferred on Aliens by the Provisions of this Act.

Act not to affect pre-existing Rights.

XIV. Provided always, and be it enacted, That nothing in this Act shall prejudice, or be construed to prejudice, any Rights or

or Interests in Law or in Equity, whether vested or contingent, under any Will, Deed, or Settlement executed by any natural-born Subject of *Great Britain or Ireland* before the passing of this Act, or under any Descent or Representation from or under any such natural-born Subject who shall have died before the passing of this Act.]

XV. And be it enacted, That nothing herein contained shall be construed so as to take away or [diminish any Right, Privilege, or Capacity heretofore lawfully possessed by or belonging to Aliens residing in *Great Britain or Ireland*, so far as relates to the Possession or Enjoyment of any Real or Personal Property, but that all such Rights shall continue to be enjoyed by such Aliens *in* as full and ample a Manner as such Rights were enjoyed before the passing of this Act.

Act not to take away Rights of Aliens.

XVI. And be it enacted, That any Woman married or who shall be married to a natural-born Subject or Person naturalized shall be deemed and taken to be herself naturalized, and have all the Rights and Privileges of a natural-born Subject.

Women married to natural-born Subjects deemed naturalized.

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

Act may be amended, &c.

C A P. LXVII.

An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in *Ireland* from the Commissioners of Stamps to the Commissioners of Excise.

[6th August 1844.]

‘**W**HEREAS it is expedient to transfer the Collection and Management of the Duty upon Licences for letting Horses to hire by the Mile or Stage for the Purpose of travelling Post, in *Ireland*, from the Commissioners of Stamps to the Commissioners of Excise:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Duty granted and made payable by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to grant certain Duties of Excise upon Licences for the Sale of spirituous and other Liquors by Retail, and upon Licences to Persons dealing in exciseable Commodities, in Ireland, in lieu of the Stamp Duties payable upon such Licences, and to secure the Payment of such Excise Duties, and to regulate the issuing of such Licences, and to discourage the immoderate Use of spirituous Liquors in Ireland*, and the Schedule to the said Act annexed, upon or in respect of Licences to Persons to let to hire any Horse for the Purpose of travelling Post by the Mile, or from Stage to Stage, in *Ireland*, shall continue in force, and shall be under the Collection and Management of the Commissioners of Excise, and shall be denominated and taken to be Excise Duties, and shall be paid and payable in *British Currency*.

Duties of 55 G. 3. c. 19. on Licences for letting Horses to hire in *Ireland* put under the Management of the Commissioners of Excise.

II. And be it enacted, That all and singular the Powers and Authorities, Rules, Regulations, and Directions, in anywise relating

Powers of former Acts relating to such

Licences to be put in force by the Commissioners of Excise.

to the granting any such Licences as aforesaid, or to the Duty upon or in respect of such Licences, contained in the said hereinbefore recited Act, or in any other Act or Acts relating to such Duty or Licences respectively, in force on or immediately before the passing of this Act, (except so far as the same shall be inconsistent with the express Provisions of this Act,) shall be used, executed, exercised, and put in force for the securing and collecting of such Duty as aforesaid and for the granting of any such Licences respectively by the Commissioners of Excise, as fully and effectually, to all Intents and Purposes, as if all and singular such Powers and Authorities had been originally given and granted to such Commissioners of Excise, and as if the same were repeated and re-enacted in this Act; and it shall be lawful for such Commissioners of Excise to grant such Licences and to manage such Duties respectively in like Manner as the Commissioners of Stamps might have done before the passing of this Act under and by virtue of the said Acts; and that all Fines, Penalties, and Forfeitures imposed by any such Act or Acts in respect of any such Matter or Thing to be done, or refused or neglected to be done, by any Person or Persons, in anywise relating to such Duty or Licences, shall be incurred and forfeited, and shall and may be sued for, recovered, levied, mitigated, and applied upon or in respect of the doing or neglecting or refusing to do any Acts, Matters, or Things relating to the said Duty and Licences by this Act placed under the Management of the said Commissioners of Excise.

Powers of Excise Acts to be put in force with respect to the Duty transferred.

III. And be it enacted, That all Powers, Provisions, Clauses, Regulations, and Directions, and all Fines, 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 under the Collection and Management of the Commissioners of Excise, so far as the said Acts or any of them can be made applicable to the said Duty on such Licences as aforesaid, shall be of full Force and Effect, and shall be observed, applied, enforced, and put in execution with respect to the Duty by this Act placed under the Management of the said Commissioners of Excise, as fully and effectually, to all Intents and Purposes, as if all such Powers and Authorities, Rules, Regulations, and Directions, Provisions, Fines, Pains, Penalties, and Forfeitures, had been repeated and specially enacted in this present Act, and had been applied to the Duty by this Act continued in force and placed under the Management of the said Commissioners of Excise.

Act may be amended, &c.

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

C A P. LXVIII.

An Act to suspend, until the Thirty-first Day of *December* One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of such Jurisdictions. [6th *August* 1844.]

WHEREAS an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, contains certain temporary Provisions relating to the State and Jurisdiction of all the Ecclesiastical Courts in *England and Wales*: And whereas the said Provisions have been from Time to Time continued by certain other Acts of Parliament, and were, by an Act passed in the last Session of Parliament, intituled *An Act for suspending, until the First Day of October One thousand eight hundred and forty-four, the Operation of the new Arrangement of Dioceses, so far as it affects the Ecclesiastical Jurisdictions*, further continued, and now stand continued until the First Day of *October* next, and it is expedient that they should be further continued for a limited Time: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before mentioned Provisions shall continue and be in force until the Thirty-first Day of *December* in the Year One thousand eight hundred and forty-seven: Provided always, that any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitation of Bishops and Archdeacons in the Places assigned to their respective Jurisdiction and Authority under or by virtue of the Provisions of the said first-recited Act or of any subsequent Act, and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

II. And be it enacted, That the Registrar of every Court granting Probates and Administrations or exercising Ecclesiastical Jurisdiction, and the Registrar of every Vicar General or Diocese, shall, on or before the Twentieth Day of *January* in the Year One thousand eight hundred and forty-five, make out and transmit to One of Her Majesty's Principal Secretaries of State a true Account in Writing of the gross and net Amounts of all such Fees, Allowances, Gratuities, Perquisites, and Emoluments respectively as shall in each of the Five next preceding Years, each of such Years ending on the Fifth Day of *January*, have been received or become due on account of the Judge of such Court or Vicar General, by virtue of his Office as such Judge or Vicar General, or on account of himself, or (except of Surrogates) of any other Officer,

6 & 7 W. 4. c. 77.

6 & 7 Vict. c. 60.

Temporary Provisions relating to Ecclesiastical Courts continued.

Registrars of Ecclesiastical Courts to make certain Returns to Secretary of State.

Officer, Clerk, or Minister of such Court or Registry, by virtue of his Office or Employment, specifying the Particulars of the Payments, Disbursements, Allowances, and Charges, respectively constituting the Difference between such gross and net Amounts, and shall on or before the Twentieth Day of *January* in every succeeding Year transmit a like Account for the Year ending on the Fifth Day of *January* in such Year; and the several Officers, Clerks, and Ministers of each of the said Courts and Registries shall render to the Registrar thereof all such Statements in Writing as he may require for the Purpose of preparing such Account; and such Registrar shall transmit the said Statements to the said Secretary of State at the same Time with his aforesaid Account; and the said Secretary of State may at any Time or Times require that all or any of the several Accounts and Statements hereinbefore mentioned shall contain such Particulars and be in such Form and verified in such Manner as to him may seem proper.

Registrars to report on State of Offices to Secretary of State, who may direct Surveys.

III. And be it enacted, That on or before the Twentieth Day of *January* in every Year the Registrar of each of the said several Courts and Registries shall report in Writing to One of Her Majesty's Principal Secretaries of State on the State and Condition of his Registry, and the Buildings belonging thereto, and also upon all such other Matters connected with such Registry, and the Documents therein contained, as and in such Form as the said Secretary of State may from Time to Time require; and such Secretary of State may from Time to Time call for further or other Returns, and may also direct and cause to be made such Inspection or Survey of any Registry as he may think fit.

Registrar, who to include.

IV. And be it enacted, That the Word "Registrar" when used in this Act shall include all Registrars and Deputy Registrars.

Act may be amended, &c.

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

C A P. LXIX.

An Act for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*; and to extend its Jurisdiction and Powers.

[6th August 1844.]

3 & 4 W. 4. c. 41.

WHEREAS the Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council*, hath been found beneficial to the due Administration of Justice: And whereas another Act, passed in the Sixth Year of the said

5 & 6 W. 4. c. 83.

Reign, intituled *An Act to amend the Law touching Letters Patent for Inventions*, hath been also found advantageous to Inventors and to the Public: And whereas the Judicial Committee acting under the Authority of the said Acts hath been found to answer well the Purposes for which it was so established by Parliament, but it is found necessary to improve its Proceedings in some respects, for the better Despatch of Business, and expedient also to extend its Jurisdiction and Powers: And whereas by the Laws now in force in certain of Her Majesty's Colonies

‘ Colonies and Possessions abroad no Appeals can be brought to Her Majesty in Council for the Reversal of the Judgments, Sentences, Decrees, and Orders of any Courts of Justice within such Colonies, save only of the Courts of Error or Courts of Appeal within the same, and it is expedient that Her Majesty in Council should be authorized to provide for the Admission of Appeals from other Courts of Justice within such Colonies or Possessions:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be competent to Her Majesty, by any Order or Orders to be from Time to Time for that Purpose made with the Advice of Her Privy Council, to provide for the Admission of any Appeal or Appeals to Her Majesty in Council from any Judgments, Sentences, Decrees, or Orders of any Court of Justice within any *British* Colony or Possession abroad, although such Court shall not be a Court of Errors or a Court of Appeal within such Colony or Possession; and it shall also be competent to Her Majesty, by any such Order or Orders as aforesaid, to make all such Provisions as to Her Majesty in Council shall seem meet for the instituting and prosecuting any such Appeals, and for carrying into effect any such Decisions or Sentences as Her Majesty in Council shall pronounce thereon: Provided always, that it shall be competent to Her Majesty in Council to revoke, alter, and amend any such Order or Orders as aforesaid, as to Her Majesty in Council shall seem meet: Provided also, that any such Order as aforesaid may be either general and extending to all Appeals to be brought from any such Court of Justice as aforesaid, or special and extending only to any Appeal to be brought in any particular Case: Provided also, that every such general Order in Council as aforesaid shall be published in the *London Gazette* within One Calendar Month next after the making thereof: Provided also, that nothing herein contained shall be construed to extend to take away or diminish any Power now by Law vested in Her Majesty for regulating Appeals to Her Majesty in Council from the Judgments, Sentences, Decrees, or Orders of any Courts of Justice within any of Her Majesty’s Colonies or Possessions abroad.

Her Majesty, by Order in Council, may provide for the Admission of an Appeal from any Colony, although there shall not be a Court of Error or of Appeal in such Colony; and may revoke such Orders.

Orders may be either general or special.

General Orders to be published.

Not to affect present Powers for regulating Appeals from the Colonies.

On Petition, Her Majesty may grant an Extension of Patent Term in certain Cases.

II. ‘ And whereas it is expedient, for the further Encouragement of Inventions in the useful Arts, to enable the Time of Monopoly in Patents to be extended in Cases in which it can be satisfactorily shown that the Expence of the Invention hath been greater than the Time now limited by Law will suffice to reimburse;’ be it enacted, That if any Person, having obtained a Patent for any Invention, shall before the Expiration thereof present a Petition to Her Majesty in Council, setting forth that he has been unable to obtain a due Remuneration for his Expence and Labour in perfecting such Invention, and that an exclusive Right of using and vending the same, for the further Period of Seven Years, in addition to the Term in such Patent mentioned, will not suffice for his Reimbursement and Remuneration, then, if the Matter of such Petition shall be by Her Majesty referred to the Judicial Committee of the Privy Council, the said Committee shall proceed to consider the same after the Manner and in the usual

usual Course of its Proceedings touching Patents, and if the said Committee shall be of opinion, and shall so report to Her Majesty, that a further Period greater than Seven Years Extension of the said Patent Term ought to be granted to the Petitioner, it shall be lawful for Her Majesty, if She shall so think fit, to grant an Extension thereof for any Time not exceeding Fourteen Years, in like Manner and subject to the same Rules as the Extension for a Term not exceeding Seven Years is now granted under the Powers of the said Act of the Sixth Year of the Reign of His late Majesty.

Her Majesty may grant a lesser Term than that prayed.

III. Provided always, and be it enacted, That nothing herein contained shall prevent the said Judicial Committee from reporting that an Extension for any Period not exceeding Seven Years should be granted, or prevent Her Majesty from granting an Extension for such lesser Term than the Petition shall have prayed.

As to Extension of Term where Patentees have assigned their Patent Rights.

IV. ' And whereas Doubts have arisen touching the Power given by the said recited Act of the Sixth Year of the Reign of His late Majesty in Cases where the Patentees have wholly or in part assigned their Right; ' be it enacted, That it shall be lawful for Her Majesty, on the Report of the Judicial Committee, to grant such Extension as is authorized by the said Act and by this Act, either to an Assignee or Assignees or to the original Patentee or Patentees, or to an Assignee or Assignees and original Patentee or Patentees conjointly.

Disclaimer and Memorandum of Alteration under 5 & 6 W. 4. c. 83. may be made notwithstanding original Patentee may have assigned his Patent Right.

V. And be it enacted, That in case the original Patentee or Patentees hath or have departed with his or their Whole or any Part of his or their Interest by Assignment to any other Person or Persons, it shall be lawful for such Patentee, together with such Assignee or Assignees if Part only hath been assigned, and for the Assignee or Assignees if the whole hath been assigned, to enter a Disclaimer and Memorandum of Alteration under the Powers of the said recited Act; and such Disclaimer and Memorandum of such Alteration, having been so entered and filed as in the said recited Act mentioned, shall be valid and effectual in favour of any Person or Persons in whom the Rights under the said Letters Patent may then be or thereafter become legally vested; and no Objection shall be made in any Proceeding whatsoever on the Ground that the Party making such Disclaimer or Memorandum of such Alteration had not sufficient Authority in that Behalf.

Disclaimer and Memorandum of Alteration already made to be deemed valid.

VI. And be it enacted, That any Disclaimer or Memorandum of Alteration before the passing of this Act, or by virtue of the said recited Act, by such Patentee with such Assignee or by such Assignee as aforesaid, shall be valid and effectual to bind any Person or Persons in whom the said Letters Patent might then be or have since become vested; and no Objection shall be made in any Proceeding whatsoever that the Party making such Disclaimer or Memorandum of Alteration had not Authority in that Behalf.

New Letters Patent granted under 5 & 6 W. 4. to Assignees before passing

VII. And be it enacted, That any new Letters Patent which before the passing of this Act may have been granted, under the Provisions of the above-recited Act of the Sixth Year of the Reign of His late Majesty, to an Assignee or Assignees, shall be

as valid and effectual as if the said Letters Patent had been made after the passing of this Act, and the Title of any Party to such new Letters Patent shall not be invalidated by reason of the same having been granted to an Assignee or Assignees: Provided always, that nothing herein contained shall give any Validity or Effect to any Letters Patent heretofore granted to any Assignee or Assignees where any Action or Proceeding in Scire facias or Suit in Equity shall have been commenced at any Time before the passing of this Act, wherein the Validity of such Letters Patent shall have been or may be questioned.

VIII. Provided always, and be it enacted, That in the Case of any Matter or Thing being referred to the Judicial Committee, it shall be lawful for the said Committee to appoint one or other of the Clerks of the Privy Council to take any formal Proofs required to be taken in dealing with the Matter or Thing so referred, and shall, if they so think fit, proceed upon such Clerk's Report to them as if such formal Proofs had been taken by and before the said Judicial Committee.

IX. And be it enacted, That in case any Petition of Appeal whatever shall be presented, addressed to Her Majesty in Council, and such Petition shall be duly lodged with the Clerk of the Privy Council, it shall be lawful for the said Judicial Committee to proceed in hearing and reporting upon such Appeal, without any special Order in Council referring the same to them, provided that Her Majesty in Council shall have, by an Order in Council in the Month of *November*, directed that all Appeals shall be referred to the said Judicial Committee on which Petitions may be presented to Her Majesty in Council during the Twelve Months next after the making of such Order; and that the said Judicial Committee shall proceed to hear and report upon all such Appeals in like Manner as if each such Appeal had been referred to the said Judicial Committee by a special Order of Her Majesty in Council: Provided always, that it shall be lawful for Her Majesty in Council at any Time to rescind any general Order so made; and in case of such Order being so rescinded all Petitions of Appeal shall in the first instance be preferred to Her Majesty in Council, and shall not be proceeded with by the said Judicial Committee without a special Order of Reference.

X. And be it enacted, That it shall be lawful for the said Judicial Committee to make an Order or Orders on any Court in any Colony or Foreign Settlement, or Foreign Dominion of the Crown, requiring the Judge or Judges of such Court to transmit to the Clerk of the Privy Council a Copy of the Notes of Evidence in any Cause tried before such Court, and of the Reasons given by the Judge or Judges for the Judgment pronounced in any Case brought by Appeal or by Writ of Error before the said Judicial Committee.

XI. And be it enacted, That it shall and may be lawful for the said Judicial Committee to make any general Rule or Regulation, to be binding upon all Courts in the Colonies and other Foreign Settlements of the Crown, requiring the Judges Notes of the Evidence taken before such Court on any Cause appealed, and of the Reasons given by the Judges of such Court, or by any of them, for or against the Judgment pronounced by such Court;

of this Act declared valid.

Proviso.

Judicial Committee may appoint Clerk of Privy Council to take Proofs in Matters referred to them.

Judicial Committee may proceed to hearing of Appeals without special Order of Reference.

Proviso.

Judicial Committee may require Notes of Evidence taken in the Courts of any Colony, &c.

Judicial Committee may make Rules to be binding upon such Courts requiring Judges Notes of Evidence, &c.

which

which Notes of Evidence and Reasons shall by such Court be transmitted to the Clerk of the Privy Council within One Calendar Month next after the Leave given by such Court to prosecute any Appeal to Her Majesty in Council; and such Order of the said Committee shall be binding upon all Judges of such Courts in the Colonies or Foreign Settlements of the Crown.

In Cases of Neglect to comply with Order of Council Persons so neglecting may be punished as for Contempt.

XII. And be it enacted, That in all Causes of Appeal to Her Majesty in Council from Ecclesiastical Courts, and from Admiralty or Vice Admiralty Courts, which now are or may hereafter be depending, in which any Person duly monished or cited or requested to comply with any lawful Order or Decree of Her Majesty in Council, or of the Judicial Committee of the Privy Council or their Surrogates, made before or after the passing of this Act, shall neglect or refuse to pay Obedience to such lawful Order or Decree, or shall commit any Contempt of the Process under the Seal of Her Majesty in Ecclesiastical and Maritime Causes, it shall be lawful for the said Judicial Committee or their Surrogates to pronounce such Person to be contumacious and in contempt, and, after he or she shall have been so pronounced contumacious and in contempt, to cause Process of Sequestration to issue under the said Seal of Her Majesty against the Real and Personal Estate, Goods, Chattels, and Effects, wheresoever lying within the Dominions of Her Majesty, of the Person against or upon whom such Order or Decree shall have been made, in order to enforce Obedience to the same and Payment of the Expences attending such Sequestration, and all Proceedings consequent thereon, and to make such further Order in respect of or consequent on such Sequestration, and in respect to such Real and Personal Estates, Goods, Chattels, and Effects sequestrated thereby, as may be necessary, or for Payment of Monies arising from the same to the Person to whom the same may be due, or into the Registry of the High Court of Admiralty and Appeals, for the Benefit of those who may be ultimately entitled thereto.

Act may be repealed, &c.

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

C A P. LXX.

An Act for facilitating Arrangements between Debtors and Creditors. [6th August 1844.]

‘ WHEREAS it is expedient that Trust Deeds and other amicable Modes of Arrangement between Debtors and their Creditors should be facilitated, and that better Means should be provided for carrying the same into effect:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of September next after the passing of this Act it shall be lawful for any Debtor who is unable to meet his Engagements with his Creditors, such Debtor not being a Trader within the Meaning of the Statutes now in force relating to Bankrupts, with the Concurrence of One Third in Number and Value of his Creditors

Petition.

testified by their signing his Petition), to present a Petition to the Court of Bankruptcy, setting forth a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what Kind soever held in trust for him; and also setting forth that he is unable to meet his Engagements with his Creditors, and the true Cause of such Inability; and also setting forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements; and that One Third in Number and Value of his Creditors have assented to such Proposal; and praying that such Proposal (or such Modification thereof as by the Majority of his Creditors should be determined) should be carried into effect under the Superintendance and Control of the said Court; and that he the said Petitioning Debtor should in the meantime be protected from Arrest, by Order of the said Court.

II. And be it enacted, That, upon the Presentation of such Petition, One of the Commissioners of the said Court, in such Rotation as by Order of the said Court shall be appointed, shall privately examine into the Matter of the said Petition, and for that Purpose shall have Power to examine upon Oath such Petitioning Debtor, and any Creditor concurring in his Petition, and any Witness produced by such Petitioning Debtor; and if such Commissioner shall be satisfied of the Truth of the several Matters alleged in such Petition, and that the Debts of such Petitioning Debtor have not been contracted by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious suing out a Fiat in Bankruptcy, or malicious Trespass, and that such Petitioning Debtor has made a full Disclosure of his Debts and Credits, Estate and Effects, and is desirous of making a *bonâ fide* Arrangement with all his Creditors, and that his Proposal to that Effect is reasonable, and proper to be executed under the Direction of the said Court, it shall be lawful for such Commissioner to direct that a Meeting of all the Creditors of such Petitioning Debtor should be convened at such Time and Place as the said Commissioner shall appoint, Notice of which Meeting shall be given in Writing to every such Creditor not less than Seven or more than Twenty-eight Days before the same is held.

Preliminary Examination.

Disqualifications.

Meeting of Creditors.

III. And be it enacted, That the said Commissioner shall appoint a fit and proper Person, being a Registrar or Official Assignee of the said Court, or One of the principal Creditors of the said Petitioning Debtor, to preside at such Meeting of Creditors, and to report the Resolutions thereof to the said Commissioner.

President.

IV. And be it enacted, That if at such Meeting of Creditors the major Part in Number and Value, or Nine Tenths in Value, or Nine Tenths in Number whose Debts exceed Twenty Pounds, shall

First Meeting of Creditors.

shall assent to the Proposal of such Petitioning Debtor, or to any Modification thereof, the President of such Meeting shall appoint another Meeting of the Creditors of such Petitioning Debtor to be held not earlier than Seven or later than Twenty-eight Days from such First Meeting, of which Second Meeting, and of the Purpose thereof, Notice in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Meeting, Three clear Days at least before the Day appointed for such Second Meeting; provided, however, that the Commissioner to whom such Petition as aforesaid is referred may, if he shall think fit, make an Order, in any special Case, that Service of such Notice at the last Place of Abode or Business of any Creditor shall be deemed good Service.

Second Meeting
of Creditors.

V. And be it enacted, That if at such Second Meeting of Creditors Three Fifths in Number and Value of all the Creditors present, or Nine Tenths in Value, or Nine Tenths in Number whose Debts exceed Twenty Pounds, shall agree to accept such Arrangement or Composition as was assented to at the said First Meeting of Creditors, and shall reduce the Terms thereof into Writing, and sign the same, such Resolution or Agreement (subject to such Confirmation as is herein-after enacted) shall thenceforth be binding and of full Force, as well against the said Petitioning Debtor as against all Persons who were Creditors of the said Petitioning Debtor at the Date of his said Petition, and who had Notice of the said several Meetings of Creditors; provided, however, that such Resolution or Agreement shall not be valid unless One full Third in Number and Value of all the Creditors of such Petitioning Debtor were present at such Second Meeting, either in Person or by an authorized Agent.

Confirmation.

VI. And be it enacted, That within Fifteen Days next after the passing of such Resolution or Agreement the same shall be submitted to the Commissioner acting in the Matter of the said Petition, who, if he shall think the same reasonable, and proper to be executed under the Direction of the said Court, shall cause the same to be filed and entered of Record therein, and shall grant to the said Petitioning Debtor a Certificate of such filing, and shall from Time to Time endorse on such Certificate his Protection of such Petitioning Debtor from Arrest; and such Petitioning Debtor shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his said Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioning Debtor at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioning Debtor, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case by the Statutes now in force concerning Bankrupts; provided, however, that no such Protection shall be valid in favour of any Petitioning Debtor who shall be proved to have been about to abscond beyond the Jurisdiction of the said Court of Bankruptcy, or who has concealed or is concealing any Part of his Estate or Effects, or against any Creditor whose Debt is not truly specified in the said Petition, nor against any Creditor whose Debt has been contracted by reason of any Manner of Fraud or Breach of Trust.

Certificate.
Protection.

VII. And

VII. And be it enacted, That it shall be lawful for such Commissioner as aforesaid, upon the Examination of such Petition as aforesaid, to grant to such Petitioning Debtor a temporary and limited Protection from Arrest, and such Petitioning Debtor shall be accordingly free from Arrest for such Time and within such Limits and Conditions as shall be specified in the said Protection, with the like Penalties on any Officer arresting him as aforesaid; and it shall be lawful for such Commissioner to require such Petitioning Debtor to give Bail for his Appearance at the said several Meetings of his Creditors; and every Petitioning Debtor shall have such Protection from Arrest when going to, remaining in, and returning from his necessary Attendance on the said Commissioner, or the said Meetings of Creditors, as is enjoyed by any Party or Witness attending any Court of Record.

Temporary
Protection.

VIII. And be it enacted, That from and after the Date of the filing of such Resolution and Agreement as aforesaid all the Estate and Effects of such Petitioning Debtor shall vest in the Trustee (if any such shall be appointed) by virtue of such Resolutions, and without any Deed, as fully as if such Trustee were an Assignee under the Statutes relating to Bankrupts; and every such Trustee may sue and be sued as if he were such Assignee in Bankruptcy.

Vesting of
Estate.

IX. And be it enacted, That every such Trustee as aforesaid shall, once at least in every Six Months, or oftener if the said Commissioner or any Two or more of the Creditors of such Petitioning Debtor whose Debts amount to One Tenth of the Amount of the Debts of such Debtor require it, produce to the said Commissioner, on Oath or solemn Declaration, a full and true Account of all Monies, Property, and Effects of such Petitioning Debtor which have come to his Hands, and of the Disposal thereof; and the said Commissioner shall examine the same, and shall certify the Result of such Examination, and shall, if need be, order Payment to the Creditors of such Petitioning Debtor, according to the Terms of such Resolution or Agreement as aforesaid.

Audits.

X. And be it enacted, That if it shall at any Time appear to the said Commissioner, on the Representation of such Trustee as aforesaid, or of any Two Creditors as aforesaid, that such Petitioning Debtor has not made a true Discovery of his Estate and Effects, or has not duly accounted for any subsequently acquired Property (if required by the true Intent and Meaning of the said Resolution or Agreement), or has wilfully made any false Return of Creditors, it shall be lawful for the said Commissioner to summon such Petitioning Debtor to be examined before him upon Oath touching such Matters; and such Summons and Examination shall be enforced in such Manner as is now practised in the summoning and Examination of Bankrupts.

Examinations.

XI. And be it enacted, That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the said Commissioner to cause a Special Meeting of the Creditors of such Petitioning Debtor to be assembled; and the Resolution of the Majority of the said Creditors at such Meeting, to confirm, alter, or annul the Whole or any Part of the said Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if

Special Meet-
ings.

One Third in Number and Value of the Creditors of such Petitioning Debtor do not attend such Meeting in manner aforesaid the Resolution thereof shall not be valid unless the same is approved and confirmed by the said Commissioner.

Meeting of Creditors.

XII. And be it enacted, That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of the said Petitioning Debtor shall have been satisfied, according to the Tenor of the same, the said Commissioner shall cause a Meeting of the said Creditors to be held before him, and, on being satisfied that the Trustee has fully performed his Trust, shall give to such Trustee a Certificate thereof under his Hand and Seal; and such Certificate shall be a full Release and Acquittance to the said Trustee, both in Law and Equity, for all Matters done by him as such Trustee: Provided always, that it shall be lawful for such Trustee to receive for his Services in the Execution of his said Trust such Sum of Money as the major Part in Number and Value of the Creditors assembled at such last-mentioned Meeting shall appoint, subject to the Approval and Allowance of the said Commissioner.

Certificate.

XIII. And be it enacted, That at such last-mentioned Meeting the said Commissioner shall give to the said Petitioning Debtor a Certificate, under the Hand and Seal of the said Commissioner, of the filing of the said Petition, and of the Resolution or Agreement of the Creditors of the said Petitioning Debtor, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under the Statutes relating to Bankrupts, excepting only that no Debt herein excepted from the Operation of this Act shall be barred by the said Certificate.

Rules and Orders.

XIV. And be it enacted, That for the better carrying into effect the several Purposes of this Act it shall be lawful for the said Court of Bankruptcy from Time to Time to make such Rules, Regulations, and Orders as the said Court shall think fit: Provided, however, that such Rules, Regulations, and Orders shall be laid before both Houses of Parliament within Twenty-one Days from the making the same, if Parliament be then sitting, or if not, Twenty-one Days from the Commencement of the Session next after the making of such Rules, Regulations, or Orders.

Interpretation of Act.

XV. And be it enacted, That this Act shall extend to Aliens, Denizens, and Women; and that all Words in the Singular Number may be interpreted in the Plural Number, and *vice versa*; and that all Words in the Masculine Gender may be interpreted to include the Feminine Gender; and that this Act be construed beneficially to Creditors; and, if any Doubts should arise in the Construction thereof, that it be construed by Analogy to the Laws now in force relating to Bankrupts and the Practice thereof.

Extent of Act.

XVI. And be it enacted, That this Act shall not extend to Scotland or Ireland.

C A P. LXXI.

An Act for the better Administration of Criminal Justice in
Middlesex. [6th August 1844.]

WHEREAS it is desirable, for the better Administration of Criminal Justice in the County of *Middlesex*, that Sessions of the Peace for the Trial of Felonies and Misdemeanors committed within the said County should be holden more frequently, and that an Assistant Judge, of competent legal Knowledge, should be appointed to preside at such Sessions: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act there shall be holden in and for the County of *Middlesex* Two Sessions or adjourned Sessions of the Peace at least in every Calendar Month, and the First Sessions holden in the Months of *January, April, July, and October* respectively shall be the General Quarter Sessions of the said County.

Two Sessions to be held monthly.

Quarter Sessions.

II. And be it enacted, That the Second Sessions, or the adjourned Sessions, holden in the Months of *February, May, August, and November* respectively, and such other Sessions as the Justices for the County in the First Sessions holden in the Month of *December* assembled shall from Time to Time appoint, shall be General Sessions of the Peace; and such General Sessions shall have Power to try and determine all Appeals, and all other Powers which now or shall hereafter belong to the General Quarter Sessions.

General Sessions.

III. And be it enacted, That all Orders heretofore made and all Things heretofore done at any General Session of the Peace for the County of *Middlesex* shall be as good in Law as if made and done at the General Quarter Sessions of the Peace for the said County.

Validity of Proceedings at General Sessions.

IV. And be it enacted, That the Second Sessions holden in the Months of *January, April, July, and October* shall be Adjournments of the General Quarter Sessions.

Adjournments of Quarter Sessions.

V. And be it enacted, That after the passing of this Act it shall be lawful to begin and continue, or to continue when begun, any Session of the Peace for the said County so to be holden as aforesaid, until the Business thereof shall be ended, notwithstanding that Her Majesty's Court of Queen's Bench may sit at *Westminster* or elsewhere in the said County before or at the Beginning or during the Continuance of any such Session.

Sessions may be held notwithstanding the sitting of the Queen's Bench.

VI. And be it enacted, That no Person against whom any Bill of Indictment shall be found for Misdemeanor at the Central Criminal Court, or at any Session of the Peace for the County of *Middlesex*, shall be entitled to traverse the same to any subsequent Sitting of the Court, but the Court shall forthwith proceed to try the same, unless upon good Cause to be shown by the Person against whom the same is found, or the Prosecutor, and to be allowed by the Court, for the Postponement of the Trial.

Indictments for Misdemeanor not to be traversed without Cause shown.

VII. And be it enacted, That the Justices of the said County shall cause an Account to be taken of the Fees received by the Sheriff

Allowance out of County Rates to be

made to Sheriff, &c., in addition to other Emoluments.

Sheriff or his Deputy for summoning Traverse Juries during the last Three Years, and shall be authorized to allow and cause to be paid yearly, for such Time as to them shall seem fit, to the said Sheriff or his Deputy, out of the County Rates of the said County, in addition to the other Emoluments of his Office, any Sum not exceeding the average yearly Amount of the Fees received by him for summoning Traverse Juries during the said Three Years.

An Assistant Judge to be appointed to preside at the Sessions, in certain Cases.

VIII. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, by Sign Manual, to appoint a Person, being a Serjeant or Barrister at Law of not less than Ten Years standing, and in the Commission of the Peace for the said County, and qualified by Law to act as a Justice of the Peace, to be the Assistant Judge of the said Court of the Sessions of the Peace, which said Assistant Judge shall preside at the hearing of all Appeals, and at the Trial of all Felonies and Misdemeanors in the said Court, and all Matters connected therewith, and shall hold his Office during good Behaviour; and in case of Sickness or unavoidable Absence, and on such other Occasions as shall be allowed by One of Her Majesty's Principal Secretaries of State, such Assistant Judge shall be empowered from Time to Time to appoint a Deputy, qualified to be appointed Assistant Judge, who shall have Power to act for him for such Time as shall be in each Case allowed by the Secretary of State, not being in any Case later than the End of the Business at the Session of the Peace then next but one following: Provided always, that nothing in this Act contained shall interfere with the Appointment of the Chairman of the said Court for all Purposes except the Trials of Appeals and of Felonies and Misdemeanors, and other Matters connected therewith, but such Appointment shall remain in the said Justices as before the passing of this Act; provided also, that the said Assistant Judge, so long as he shall hold the said Office, shall not be eligible to sit in Parliament.

Deputy.

Nothing herein to interfere with the Appointment of the Chairman of the Court.

Formation of the Court.

Jurisdiction of Justices.

Salary to Assistant Judge.

IX. And be it enacted, That the Presence of another Justice of the Peace shall not be essential to the Formation of the Court in those Cases in which it is directed by this Act that the Assistant Judge or his Deputy for the Time being shall preside; but nothing in this Act contained shall lessen the Jurisdiction of the Justices at the said Sessions.

X. And be it enacted, That from and after the Appointment of such Assistant Judge as aforesaid there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* the Sum of One thousand two hundred Pounds to such Assistant Judge for a yearly Salary, to be paid from Time to Time quarterly, free and clear from all Taxes and Deductions whatsoever (except the Income Tax), on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, by equal Portions, the first Payment to be made on the first of such Days as shall occur after the Appointment of the said Assistant Judge; and that if any Person appointed to such Office shall die, or resign the same, the Executors or Administrators of such Person so dying, or the Person resigning, shall be entitled to receive such Portion of the Salary aforesaid as shall have accrued during the Time that such Person shall have executed such Office since the last Payment, and that the Successor of any such Person

so dying or resigning shall be entitled to receive such Portion of the Salary as shall accrue from the Day of such Death, Resignation, or Dismissal.

XI. ' And whereas by an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to enable the Justices of the Peace for Westminster to hold their Sessions of the Peace during Term and the sitting of the Court of King's Bench*, the Sessions of the Peace for the said City and Liberty are limited to the Weeks preceding the holding of each of the Quarter or General Sessions of the Peace for the said County of *Middlesex*: And whereas by ancient Usage and of Right the Justices of the Peace for *Middlesex* have constantly holden and may hold their Sessions of the Peace for the said County within the said City and Liberty, and the holding of Sessions for the City and Liberty has become unnecessary; be it enacted, That after the Session of the Peace which shall be holden in and for the said City and Liberty next after the passing of this Act Sessions of the Peace in and for the said City and Liberty shall cease to be holden, and the Sessions to be holden in and for the said County of *Middlesex* shall be holden by Adjournment within the said City and Liberty, and shall have full Jurisdiction over all Things cognizable by the Sessions for the said City and Liberty; and that the Inhabitants of the said City and Liberty shall not be exempted from serving on Juries at the Sessions of the Peace for the County of *Middlesex* holden within the said City and Liberty.

Sessions of the Peace for Westminster not to be holden.

XII. And be it enacted, That the Persons holding the several Offices of High Bailiff of *Westminster*, Clerk of the Peace, and all other Officers of the Court of Sessions of the Peace for the said City and Liberty, shall, so long as they shall be entitled to hold their several Offices, execute the Duties and be entitled to the Emoluments within the said City and Liberty of the several Offices of Sheriff, Clerk of the Peace, and other corresponding Officers of the County of *Middlesex*: Provided always, that the Records of every Session of the Peace for the said County holden within the said City and Liberty shall be sent, within Fourteen Days after such Session, by the Clerk of the Peace of the said City and Liberty, to the Clerk of the Peace of the said County, and shall be kept by him with the other Records of his Office.

Officers belonging to the City of Westminster to be compensated while executing their Duties.

XIII. ' And whereas by an Act passed in the Twelfth Year of the Reign of King George the Second, intituled *An Act for the more easy assessing, levying, and collecting County Rates*, it was enacted, that there should be but One Rate made and assessed by the Justices of the Peace of the said County of *Middlesex* and the said City and Liberties of *Westminster* for the several Purposes enumerated in that Act: And whereas by an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled *An Act for building a new Bridewell or House of Correction for the said City and Liberty of Westminster*, a House of Correction, commonly called the New Bridewell, was built out of Monies charged and assessed upon the County Rates, which said Bridewell is much larger than is needed for the said City and Liberty; but the House of Correction for the County of *Middlesex* is so small that the Prisoners therein cannot be properly classified: And whereas Inconveniences arise from the

Justices for the County to have the sole Control over the County Rate.

7 G. 4. c. xliii.

‘ present Management of the County Rate being vested partly in the Justices for the said County and partly in the Justices for the said City and Liberty, and it would be a public Advantage if the Management of the County Rate were solely in the Justices of the said County, and if the said New Bridewell were made a House of Correction for the whole County, and placed under the Control and Management of the Justices of the said County;’ be it enacted, That after the passing of this Act the Justices for the said City and Liberty shall cease to exercise any Control over the County Rate, and the Justices of the said County shall have the sole Control and Management thereof; and all Orders for the Payment of any Sums of Money out of the County Rate, in respect of any Expenditure within the said City and Liberty, shall be made by the Justices for the said County upon the County Treasurer, in like Manner as all other Orders are made by them upon him; and the said Treasurer shall obey the same, and shall from Time to Time include the same in his Accounts, and the same shall be subject to all the Statutes and Provisions for the Regulation of the Rate for the said County, and shall form Part of the general Expenditure for the said County.

Justices for the County to have the sole Control over the Court House for Westminster.
47 G. 3. c. vii.

XIV. And be it enacted, That so much of an Act passed in the Forty-seventh Year of the Reign of King George the Third, intituled *An Act to amend Three Acts, of the Eighteenth, Thirty-ninth, and Forty-fourth Years of His present Majesty, for erecting a Court House for the holding of Sessions of the Peace in the City of Westminster*, as enacts that the Court House for the said City of Westminster shall be under the sole Direction and Management of the Justices of the Peace for the Time being of the City and Liberty of Westminster, shall be repealed; and that after the passing of this Act the Control and Management of the said Court House, and all the Powers and Provisions respecting the same, in the said Acts vested in the Justices for the City and Liberty, shall be vested in the Justices for the said County of *Middlesex*, as fully as if they had been named in the said Acts.

Property in the New Bridewell to be vested in the Justices of the County.

XV. And be it enacted, That after the passing of this Act all the Powers and Property in respect of the said New Bridewell by the before-mentioned Act of the Seventh Year of the Reign of King George the Fourth vested in the Justices for the said City and Liberty of Westminster, and also all the Furniture, Goods, and Chattels belonging to the said New Bridewell, shall be transferred to and vested in the Justices for the said County.

The New Bridewell to be a House of Correction for the County generally.

23 G. 2. c. 27.

XVI. And be it enacted, That so much of the said Act of the Seventh Year of the Reign of King George the Fourth as enacts that no Person or Persons, other than or beside the Justices of the Peace of the said City and Liberty of Westminster, and also the Commissioners for executing an Act passed in the Twenty-third Year of the Reign of His Majesty King George the Second, 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 adjoins thereto*, shall have Power or Authority to commit any Person or Persons to the said New Bridewell or House of Correction, or to the Custody of the Keeper thereof, shall be repealed; and that after the passing of this Act the said New Bridewell shall become and be a House

of Correction for the County of *Middlesex*, under the Management and Control of the Justices of the said County; and the Justices of the said County, the Magistrates of the Police Courts, the Judges of the Central Criminal Court, and all Persons having by Law the Right to commit any Offender or Offenders to the House of Correction in *Cold Bath Fields*, or to the Gaol of *Newgate* as the Common Gaol of *London* and *Middlesex*, in execution of their Judgments, shall have the like Power of Committal to the said New Bridewell which they have of committing to the said House of Correction or the said Gaol of *Newgate*: Provided always, that nothing in this Act contained shall take away the Right of the Justices for the City and Liberty of *Westminster* and the said Commissioners to commit Offenders to the said New Bridewell, or enable any of the aforesaid Judges, Justices, or other Persons to commit thereto any Offender for any Offence committed within the City of *London*, or elsewhere than in the County of *Middlesex*.

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

C A P. LXXII.

An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in *New South Wales*.

[6th August 1844.]

‘ WHEREAS by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Government of New South Wales and Van Diemen’s Land*, it was enacted, that the Revenue therein mentioned of the Colony of *New South Wales* shall be permanently charged with all the Costs, Charges, and Expences incident to the Collection, Management, and Receipt thereof; such Costs, Charges, and Expences being subject, nevertheless, to be regulated and audited in such Manner as shall be directed by any Law of the Governor and Legislative Council: And whereas Doubts have arisen whether under and in pursuance of the said Act the Costs, Charges, and Expences incident to the Collection, Management, and Receipt of the Duties on Goods imported and exported at the said Colony are not subject to be regulated and audited in manner therein mentioned:’ Be it and it is hereby declared and enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Costs, Charges, and Expences incident to the Collection, Management, and Receipt of Duties of Goods imported or exported at the said Colony are not, according to the true Intent and Meaning of the said recited Act, subject, and shall not be subject, to be regulated and audited in such Manner as shall be directed by any Law of the Governor or the Legislative Council, but that all such Costs, Charges, and Expences of such Duties of Import and Export are and shall be subject to be regulated and audited in such Manner as shall be directed by the Commissioners of Her Majesty’s Treasury of the United Kingdom

5 & 6 Vict. c. 76.

Charges and Expences incident to the Collection of the Imports and Exports to be audited in such Manner as shall be directed by the Treasury.

Kingdom of *Great Britain and Ireland*, or by any Three of them, any thing in the said recited Act to the contrary notwithstanding.

C A P. LXXIII.

An Act to reduce, under certain Circumstances, the Duties payable upon Books and Engravings. [6th August 1844.]

‘ WHEREAS by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, certain Duties of Customs were granted and made payable upon Books and Prints of or from Foreign Countries: And whereas by an Act passed in the present Session of Parliament, intituled *An Act to amend the Law relating to International Copyright*, it is amongst other things enacted, that it shall be lawful for Her Majesty, by any Order in Council, to grant unto the Authors, Inventors, Designers, Engravers, or Makers of any Books, Prints, or other Works of Art first published in any Foreign Country specified in such Order, the Privilege of Copyright therein for certain Periods, and under certain Conditions, in the said last-mentioned Act defined and contained: And whereas it is expedient that Provision should be made in the Manner herein-after mentioned for reducing, in Cases where Her Majesty shall have issued any such Order in Council as aforesaid, the Duties of Customs now payable on the Importation of Books and Prints:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That whenever and so often as Her Majesty shall by virtue of the said recited Power, by any Order or Orders in Council, declare that the Authors, Inventors, Designers, Engravers, or Makers of any Books, Prints, or other Works of Art first published in any Foreign Country shall have the Privilege of Copyright therein, then and in every such Case it shall be lawful for Her Majesty, by any Order or Orders in Council, to declare that in respect of Books and Prints, or either of them, published in and imported from such Foreign Country, the Duties of Customs now payable on the Importation of Books and Prints respectively shall, from and after a Time to be named in such Order or Orders, altogether cease and determine; and that in lieu thereof there shall be payable on such Books or Prints respectively, from and after such Time as aforesaid, only such Duties of Customs as are set forth in the Schedule to this Act annexed.

Her Majesty, by Order in Council, may reduce the Duties on Foreign Books and Prints in Cases in which Copyright is allowed to the Country of Export under 7 & 8 Vict. c. 12.;

and may reduce the Duties on Books and Prints in favour of Countries with which Her Majesty has Treaties of Reciprocity.

II. And be it enacted, That with regard to Books and Prints published in and imported from any Foreign Country, between which Country and Her Majesty there is now subsisting, and shall at the Time of the making of any such Order in Council as is herein-after described subsist, any Treaty or Convention binding Her Majesty to admit the Books and Prints of such Country, either conditionally or unconditionally, into the United Kingdom, on the same Terms as those of the most favoured Nation, it shall be lawful for Her Majesty, by any Order or

Orders in Council, to declare that in respect of Books and Prints, or either of them, published in and imported from such Foreign Country, the Duties of Customs now payable on the Importation of Books and Prints respectively shall, from and after a Time to be named therein, altogether cease and determine, and that in lieu thereof there shall be payable on the Importation of such Books or Prints respectively, from and after such Time as aforesaid, only such Duties of Customs as are set forth in the Schedule to this Act annexed: Provided always, that in case the Privileges granted by any Treaty to any Foreign Country, in respect of which any such Order or Orders in Council as last aforesaid shall by virtue of this Enactment be issued, shall have been granted conditionally, such Order shall expressly declare that such Foreign Country hath duly fulfilled the Conditions required in return for such Privileges, and that it is entitled thereto.

If any Treaty be conditional, Order to state the Fulfilment of Condition.

III. And be it enacted, That it shall be lawful for Her Majesty, by any further Order or Orders in Council, from Time to Time to revoke the Whole or any Part of any Order or Orders issued by Her Majesty in Council under the Authority of this Act; and that from and after a Day to be named in such Order or Orders of Revocation such Order or Orders issued under the Authority of this Act, or such Part thereof as shall be specified in such Order or Orders of Revocation, shall cease and determine, and that the Duties of Customs now payable upon Books and Prints respectively shall be payable in like Manner as if such Order or Orders, or such Part or Parts thereof respectively, had not been made.

Power to Her Majesty in Council to revoke any Orders.

IV. And be it enacted, That every Order or Orders in Council issued under the Authority of this Act shall, within Fourteen Days after the issuing thereof, be twice published in the *London Gazette*.

Orders to be in the Gazette;

V. And be it enacted, That a Copy of every Order or Orders in Council issued under the Authority of this Act shall be laid before both Houses of Parliament within Six Weeks after issuing the same, if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament.

and to be laid before Parliament.

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

Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

Books; viz.	s.	d.
Works in the Language or Languages of the Country of Export, originally produced therein, or original Works of that Country in the dead Languages, or other Works in the dead Languages with original Commentaries produced in that Country	15	0
All other Works published in the Country of Export, if printed prior to the Year 1801 - the Cwt.	20	0
If printed in or since the Year 1801 - the Cwt.	50	0
Prints and Drawings, plain or coloured, single - each	0	0½
Ditto - bound or sewn - the Dozen	0	1½

C A P. LXXIV.

An Act to explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land*.

[6th August 1844.]

5 & 6 Vict. c.76. **WHEREAS** by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Government of New South Wales and Van Diemen's Land*, it is amongst other things enacted, that one Half of the Expence of the Police Establishment of the Colony of *New South Wales* (exclusive of the Convict Establishment) shall be defrayed out of the general Revenue arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half shall be defrayed by Assessment upon the several Districts of the Colony in such Proportions as shall be from Time to Time fixed by the Governor and Legislative Council of the said Colony: And whereas Doubts have arisen as to what is the Convict Establishment so mentioned and referred to as aforesaid: Now therefore, for the Removal of such Doubts, be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Convict Establishment mentioned and referred to in the said recited Enactment doth comprise and shall be construed to comprise such Gaols and Places of safe Custody only as are or as shall be maintained for the Reception of Convicts actually undergoing therein Sentences or commuted Sentences of Transportation from the United Kingdom, such Gaols or Places of safe Custody being under the Superintendance of Officers for that Purpose appointed by or under the Authority of Her Majesty, and remunerated by Funds for that Purpose appropriated by some Act of Parliament: Provided always, that if at any Time any such Gaol or Place of safe Custody shall be used for the Imprisonment of any other Offenders jointly with such Convicts as aforesaid, then such Gaol or Place of safe Custody shall be taken to be a Convict Establishment within the Meaning of this Act and the said recited Act, so far only as relates to such Convicts as aforesaid.

Defining Extent of Convict Establishment.

Proviso.

Repeal of Part of 5 & 6 Vict. c.76. s. 13.

Declaration of Qualification to be made in the Council.

II. And whereas Doubts have arisen as to the Manner in which the Declaration required by the said recited Act to be made in certain Cases by Candidates at the Election of a Member of the Legislative Council is to be made by Candidates not present at the Election; be it enacted, That so much of the said recited Act as renders any such Candidate incapable of being elected until he shall have made such Declaration shall be repealed.

III. And be it enacted, That every elective Member of the said Legislative Council, before he shall sit or vote in the said Council after the Election of a Speaker, shall make the said Declaration in Writing under his Hand, by delivering to the Clerk of the Council, at the Place where and while the Council is sitting, with the Speaker in the Chair, a Paper signed by such Member containing the said Declaration, and also a Statement of the County or Counties in which the Lands or Tenements are

are situated out of which his Qualification arises, with such other Description thereof as may serve to identify the same, and the Nature of his Estate or Interest therein or in the Rents and Profits thereof; and the said Papers shall be filed and kept by the Clerk with the other Records of his Office; and every elective Member of the said Council who shall sit and vote in the said Council after the Election of a Speaker before making such Declaration as aforesaid shall be liable, for every Day on which he shall so offend, to a Penalty of Two hundred Pounds; and if he shall not be qualified according to the true Intent and Meaning of the said recited Act, his Election shall be void, and a new Writ shall be issued to elect another Member in his Stead.

IV. ' And whereas by the said recited Act it is amongst other things enacted, that the Treasurer of each District Council of the said Colony to whom any such Warrant as therein mentioned shall come shall pay the Amount mentioned in the Warrant out of any Monies in his Hands belonging to the District, or, if there be no Monies or an insufficient Sum in his Hands, the District Council shall assess and levy the Amount by a fair and equal Rate upon all Property within the District which the Legislative Council, or, until a Bill for that Purpose shall have been passed by the Legislative Council, and assented to by the Governor, with the Advice of his Executive Council, shall declare to be liable thereunto: And whereas the said recited Enactment hath, by the accidental Omission therein of certain Words, been rendered obscure and ineffectual for the Purposes thereof; be it enacted, That the said last-recited Enactment shall be repealed.

Repealing Provision in recited Act as to Payment of Sums to be levied.

V. And be it enacted, That the Treasurer of each District Council of the said Colony of *New South Wales* to whom any such Warrant as in the said recited Act mentioned shall come shall pay the Amount mentioned in the Warrant out of any Monies in his Hands belonging to the District, or, if there be no Monies or an insufficient Sum in his Hands, the District Council shall assess and levy the Amount by a fair and equal Rate upon all Property within the District which the Legislative Council, or (until a Bill for that Purpose shall have been passed by the Legislative Council, and assented to by the Governor), which the Governor, with the Advice of his Executive Council, shall declare to be liable thereunto.

Enabling Treasurer to pay Amount named in the Warrant.

VI. ' And whereas it is by the said Act amongst other things provided, that it shall be lawful for the Governor and Legislative Council of the said Colony, in exercise of the Powers to them respectively granted by the said Act, and in the Manner and subject to the Rules therein-before prescribed, to repeal, vary, or alter all or any Part of the Acts therein recited, or any of them, or any Law or Ordinance made in pursuance thereof: And whereas Doubts may arise whether the Colony mentioned in the last said recited Enactment is the Colony of *New South Wales* or the Colony of *Van Diemen's Land*; be it declared and enacted, That by the Colony in the said last-recited Enactment mentioned is and shall be understood the Colony of *New South Wales*, and not the Colony of *Van Diemen's Land*.

Defining Colony.

VII. ' And

Extending the Governor's Powers as to giving or withholding the Royal Assent.

VII. And whereas by the said recited Act it is provided, that certain Bills shall in every Case be reserved by the Governor for the Signification of Her Majesty's Pleasure thereon, and the Intent of such Provision was to ensure that such Bills as aforesaid should not be assented to by the Governor without due Consideration; be it enacted, That it shall not be necessary for the Governor to reserve any such Bill for the Signification of Her Majesty's Pleasure thereon from which in the Exercise of his Discretion, as limited in the said recited Act, he shall declare that he withholds Her Majesty's Assent, or to which he shall have previously received Instructions on the Part of Her Majesty to assent, and to which he shall assent accordingly.

Defining "Governor."

VIII. And be it enacted, That by the Word "Governor," as employed in this Act, shall be understood the Person for the Time being lawfully administering the Government of the said Colony of *New South Wales*.

Commencement of Act.

IX. And be it enacted, That this Act shall be proclaimed by the Governor of *New South Wales* within Six Weeks after a Copy of it shall have been received by him, and shall take effect within the said Colony from the Day of the Proclamation thereof.

Act may be amended, &c.

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

C A P. LXXV.

An Act to defray until the First Day of *August* One thousand eight hundred and forty-five the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [6th *August* 1844.]

[*This Act is the same, except as to Dates and the Section here inserted, as 6 & 7 Vict. c. 70.*]

Allowances to be paid quarterly.

XV. And be it 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, the Paymaster General shall 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, save and except that provided by an Act passed in the last Session of Parliament, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of April One thousand eight hundred and forty-five*, or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

C A P. LXXVI.

An Act to simplify the Transfer of Property.

[6th August 1844.]

*Repealed by
8th Aug Vict.
Cap. 106*

FOR simplifying the Assurance of Property by Deed, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

I. That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Word "Land" shall extend to Manors, Advowsons, Messuages, Lands, Tithes, Tenements, and Hereditaments, whether corporeal or incorporeal, and to any undivided Share thereof, and to any Estate or Interest therein, and to Money subject to be invested in the Purchase of Land or any Interest therein; the Word "Freehold" shall extend to Customary Freehold, or such Customary Land as will pass by Deed, or Deed and Surrender, and not by Surrender alone; the Word "Conveyance" shall extend to a Feoffment, Grant, Release, Surrender, or other Assurance of Freehold Land; the Word "Person" shall extend to a Corporation as well as an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as to one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Meaning of
Words defined:

"Land:"

"Freehold:"

"Conveyance:"

"Person:"

Number and
Gender.

II. That every Person may convey by any Deed, without Livery of Seisin, or Enrolment, or a prior Lease, all such Freehold Land as he might before the passing of this Act have conveyed by Lease and Release; and every such Conveyance shall take effect as if it had been made by Lease and Release*: Provided always, that every such Deed shall be chargeable with the same Stamp Duty as would have been chargeable if such Conveyance had been made by Lease and Release.

Freehold Land
may be con-
veyed by Deed,
without Livery
of Seisin, &c.

III. That no Partition or Exchange or Assignment of any Freehold or Leasehold Land shall be valid at Law unless the same shall be made by Deed.

Partitions, &c.
to be by Deed.

IV. That no Lease in Writing of any Freehold, Copyhold, or Leasehold Land, or Surrender in Writing of any Freehold or Leasehold Land, shall be valid as a Lease or Surrender unless the same shall be made by Deed; but any Agreement in Writing to let or to surrender any such Land shall be valid and take effect as an Agreement to execute a Lease or Surrender; and the Person who shall be in the Possession of the Land in pursuance of any Agreement to let may, from Payment of Rent or other Circumstances, be construed to be a Tenant from Year to Year.

Leases and
Surrenders in
Writing to be
by Deed.

V. That any Person may convey, assign, or charge by any Deed any such contingent or executory Interest, Right of Entry for Condition broken, or other future Estate or Interest as he shall

Contingent
Interests may
be conveyed
by Deed.

* See 4 & 5 Vict. Cap. 21.

be entitled to, or presumptively entitled to, in any Freehold or Copyhold or Leasehold Land, or Personal Property, or any Part of such Interest, Right, or Estate respectively; and every Person to whom any such Interest, Right, or Estate shall be conveyed or assigned, his Heirs, Executors, Administrators, or Assigns, according to the Nature of the Interest, Right, or Estate, shall be entitled to stand in the Place of the Person by whom the same shall be conveyed or assigned, his Heirs, Executors, Administrators, or Assigns, and to have the same Interest, Right, or Estate, or such Part thereof as shall be conveyed or assigned to him, and the same Actions, Suits, and Remedies for the same, as the Person originally entitled thereto, his Heirs, Executors, or Administrators, would have been entitled to if no Conveyance, Assignment, or other Disposition thereof had been made; provided that no Person shall be empowered by this Act to dispose of any Expectancy which he may have as Heir, or Heir of the Body inheritable, or as next of Kin, under the Statutes for the Distribution of the Estates of Intestates of a living Person, nor any Estate, Right, or Interest to which he may become entitled under any Deed thereafter to be executed, or under the Will of any living Person, and no Deed shall by force of this Act bar or enlarge any Estate Tail: Provided also, that no Chose in Action shall by this Act be made assignable at Law.

No implied Warranty to be created by "Grant" or "Exchange."

VI. That neither the Word "Grant" nor the Word "Exchange" in any Deed shall have the Effect of creating any Warranty or Right of Re-entry, nor shall either of such Words have the Effect of creating any Covenant by Implication, except in Cases where by any Act of Parliament it is or shall be declared that the Word "Grant" shall have such Effect.

No Conveyances to operate by Wrong, or have greater Effect than a Release.

VII. That no Conveyance shall be voidable only when made by Feoffment or other Assurance where the same would be absolutely void if made by Release or Grant; and that no Assurance shall create any Estate by Wrong, or have any other Effect than the same would have if it were to take effect as a Release, Surrender, Grant, Lease, Bargain and Sale, or Covenant to stand seised (as the Case may be).

Contingent Remainders abolished. Executory Devices, &c.

VIII. That after the Time at which this Act shall come into operation no Estate in Land shall be created by way of contingent Remainder; but every Estate which before that Time would have taken effect as a contingent Remainder shall take effect (if in a Will or Codicil) as an executory Devise, and (if in a Deed) as an executory Estate of the same Nature and having the same Properties as an executory Devise; and contingent Remainders existing under Deeds, Wills, or Instruments executed or made before the Time when this Act shall come into operation shall not fail, or be destroyed or barred, merely by reason of the Destruction or Merger of any preceding Estate, or its Determination by any other Means than the natural Effluxion of the Time of such preceding Estate, or some Event on which it was in its Creation limited to determine.

Existing contingent Remainders to continue.

Executor or Administrator of Mortgagee empowered, on Discharge of

IX. That when any Person entitled to any Freehold or Copyhold Land by way of Mortgage has or shall have departed this Life, and his Executor or Administrator is or shall be entitled to the Money secured by the Mortgage, and the legal Estate in such Land

Land is or shall be vested in the Heir or Devisee of such Mortgagee, or the Heir, Devisee, or other Assign of such Heir or Devisee, and Possession of the Land shall not have been taken by virtue of the Mortgage, nor any Action or Suit be depending, such Executor or Administrator shall have Power, upon Payment of the Principal Money and Interest due to him on the said Mortgage, to convey by Deed or Surrender (as the Case may require) the legal Estate which became vested in such Heir or Devisee; and such Conveyance shall be as effectual as if the same had been made by any such Heir or Devisee, his Heirs or Assigns.

Mortgage, to convey the legal Estate vested in the Heir, &c.

X. That the *bonâ fide* Payment to and the Receipt of any Person to whom any Money shall be payable upon any express or implied Trust or for any limited Purpose, or of the Survivors or Survivor of Two or more Mortgagees or Holders, or the Executors or Administrators of such Survivor, or their or his Assigns, shall effectually discharge the Person paying the same from seeing to the Application or being answerable for the Misapplication thereof, unless the contrary shall be expressly declared by the Instrument creating the Trust or Security.

Receipts of Trustees to be effectual Discharges.

XI. That it shall not be necessary in any Case to have a Deed indented; and that any Person, not being a Party to any Deed, may take an immediate Benefit under it in the same Manner as he might under a Deed Poll.

Indenting a Deed unnecessary.

XII. That where the Reversion of any Land, expectant on a Lease, shall be merged in any Remainder or other Reversion or Estate, the Person entitled to the Estate into which such Reversion shall have merged, his Heirs, Executors, Administrators, Successors, and Assigns, shall have and enjoy the like Advantage, Remedy, and Benefit against the Lessee, his Heirs, Successors, Executors, Administrators, and Assigns, for Nonpayment of the Rent, or for doing of Waste or other Forfeiture, or for not performing Conditions, Covenants, or Agreements contained and expressed in his Lease, Demise, or Grant, against the Lessee, Farmer, or Grantee, his Heirs, Successors, Executors, Administrators, and Assigns, as the Person who would for the Time being have been entitled to the mesne Reversion which shall have merged would or might have had and enjoyed if such Reversion had not been merged.

The Remedies for the Rent and Covenants in a Lease not to be extinguished by the Merger of the immediate Reversion.

XIII. That this Act shall commence and take effect from the Thirty-first Day of *December* One thousand eight hundred and forty-four, and shall not extend to any Deed, Act, or Thing executed or done, or (except so far as regards the Provisions herein-before contained as to existing contingent Remainders) to any Estate, Right, or Interest created, before the First Day of *January* One thousand eight hundred and forty-five.

Act to commence from 31st Dec. 1844.

XIV. And be it enacted, That this Act shall not extend to *Scotland*.

Not to extend to Scotland.

C A P. LXXVII.

An Act to amend so much of an Act of the Fifth and Sixth Years of His late Majesty as relates to the Salary of the Clerk of the Crown in Chancery; and to make other Provisions in respect of the said Office. [6th August 1844.]

5 & 6 W. 4. c. 47. **W**HEREAS by an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal so much of an Act passed in the Third and Fourth Years of His present Majesty as relates to the Salary granted to the Clerk of the Crown in Chancery; and to make other Provisions in relation to the said Office*, the Salary of the Clerk of the Crown in Chancery was fixed at Five hundred Pounds *per Annum* for the Duties of the said Office: And whereas increased Business and Responsibility have been imposed upon the said Officer since the passing of the said recited Act, and the Salary now allowed to him is not considered to be commensurate with the Importance of the Office and the Extent of its Responsibility: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act by which the yearly Salary of Five hundred Pounds was granted to the said Clerk of the Crown in Chancery shall be and the same is hereby repealed; and instead and in lieu thereof there shall be paid to the said Clerk of the Crown in Chancery for the Time being the Salary of One thousand Pounds *per Annum*, which shall be issued and payable out of, and be charged and chargeable upon, the same Fund as the before-mentioned yearly Salary of Five hundred Pounds was directed to be issued out of, and made chargeable upon, by the said recited Act; and the said Salary of One thousand Pounds *per Annum* shall commence and be payable from the First Day of *July* One thousand eight hundred and forty-four.

Part of recited Act repealed.

Salary of 1,000*l.* per Annum to be paid to the Clerk of the Crown.

Officers, Clerks, &c. entitled to Superannuation out of Fee Fund.

4 & 5 W. 4. c. 24.

II. And be it enacted, That every Officer, Clerk, and Messenger now in the Crown Office in Chancery, or who may hereafter be appointed in the said Office, shall, in the case of his becoming incapable, by reason of Infirmary of Mind or Body, to perform the Duties of his Office, be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the Crown Office or in any other public Office or Situation prior to the passing of this Act, and shall proceed according to the Principles laid down by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, 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*; and the Allowances which shall be so awarded

awarded and granted by way of Superannuation, under the Authority aforesaid, shall be paid out of the Fee Fund of the said Office, in the same Way as the Salaries of the Clerks and the other incidental Expences of the Office are now paid; and every Officer, Clerk, or Messenger who shall hereafter be appointed in the said Office shall be subject to the Deduction from his Salary which is imposed by the said Superannuation Act; and the Sums so deducted shall from Time to Time be carried to and made Part of the Fee Fund of the said Office.

III. And be it enacted, That if the Fee Fund of the said Office of Clerk of the Crown in Chancery shall at any Time hereafter prove insufficient to defray the Salaries of the Clerks, and the Superannuation Allowances hereby made chargeable upon the said Fund, and the incidental and necessary Expences of the Office, it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three of them, and they are hereby authorized and required, from Time to Time to direct the Amount of such Deficiency to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, into which Fund the surplus Fees and Emoluments of the said Office are now paid, according to the Provisions of the before-recited Act passed in the Fifth and Sixth Years of His late Majesty King *William* the Fourth.

Deficiency of Fee Fund to be paid out of Consolidated Fund.

C A P. LXXVIII.

An Act to continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty George the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty George the Third, for preventing the administering and taking unlawful Oaths in Ireland.* [6th August 1844.]

[2 & 3 Vict. c. 74. continued to the 1st Day of September 1845.]

C A P. LXXIX.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [6th August 1844.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to appoint Commissioners for carrying into execution several Acts granting an Aid to His Majesty by a Land Tax to be raised in Great Britain, and continuing to His Majesty certain Duties on Personal Estates, Offices, and Pensions in England*: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty, intituled *An Act for rectifying Mistakes in the Names of the Land Tax Commissioners, and for appointing additional Commissioners, and indemnifying such Persons as have acted without due Authority in execution of the Acts therein recited*: And whereas another Act

7 & 8 G. 4. c. 75.

9 G. 4. c. 38.

7 & 8 VICT.

Y

was

2 & 3 W. 4.
c. 127.

‘ was passed in the Second and Third Years of the Reign of His
‘ late Majesty King *William the Fourth*, intituled *An Act for*
‘ *appointing additional Commissioners to put in execution the Acts*
‘ *for granting an Aid to His Majesty by a Land Tax, and con-*
‘ *tinuing the Duties on Personal Estates, Offices, and Pensions :*

3 & 4 W. 4. c. 95.

‘ And whereas another Act was passed in the Third and Fourth
‘ Years of the Reign of His said late Majesty, intituled *An Act*
‘ *to appoint additional Commissioners for executing the Acts*
‘ *for granting an Aid by a Land Tax, and for continuing the*
‘ *Duties on Personal Estates, Offices, and Pensions :* And whereas

6 & 7 W. 4. c. 80.

‘ another Act was passed in the Sixth and Seventh Years of the
‘ Reign of His said late Majesty, intituled *An Act to appoint*
‘ *additional Commissioners for executing the Acts for granting an*
‘ *Aid by a Land Tax, and for continuing the Duties on Personal*
‘ *Estates, Offices, and Pensions :* And whereas another Act was

1 & 2 Vict. c. 57.

‘ passed in the First and Second Years of the Reign of Her pre-
‘ sent Majesty, intituled *An Act to appoint additional Commis-*
‘ *sioners for executing the Acts granting a Land Tax, and Duties*
‘ *on Personal Estates, Offices, and Pensions :* And whereas it is
‘ expedient to appoint additional Persons to put in execution the
‘ several Acts for granting an Aid to Her Majesty by a Land
‘ Tax in *Great Britain*, and several other Acts for continuing or
‘ granting to Her Majesty Rates and Taxes :’ Be it therefore
‘ enacted by the Queen’s most Excellent Majesty, by and with
‘ the Advice and Consent of the Lords Spiritual and Temporal, and
‘ Commons, in this present Parliament assembled, and by the
‘ Authority of the same, That the several and respective Persons
‘ herein-after named shall and may and are hereby empowered and
‘ authorized (being duly qualified) to put in execution the said
‘ Acts, and all the Clauses, Powers, Matters, and Things what-
‘ soever 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 Majesty King
‘ *George the Fourth*; (that is to say.)

Appointment
of additional
Commissioners.

[Here follow the Names of the Commissioners for England, Wales,
and Scotland.]

Powers of
former Acts
extended to
this Act.

II. And be it enacted, That all the Powers, Authorities, Pro-
visions, Matters, and Things contained in the said recited Act
passed in the Seventh and Eighth Years of the Reign of His
Majesty King *George the Fourth*, and in the said several recited
Acts, and in any other Act in force in relation to any Acts,
Matters, and Things to be done by Commissioners of Land Tax,
shall extend to this Act, and to the Commissioners named therein,
and shall be construed therewith, as fully and effectually, to all
Intents and Purposes whatsoever, as if the same had been
severally and separately repeated and re-enacted in this Act, and
made Part thereof.

C A P. LXXX.

An Act for completing the Guarantee Fund of the *South Sea Company*, for advancing for the Public Service Part of the unclaimed Stock and Dividends in the Hands of the said Company, and for regulating the Allowance to be paid for the Management of the *South Sea Stock* and Annuities. [9th August 1844.]

WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of 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*, it was enacted, that in consideration of the Surrender by the *South Sea Company* of their exclusive Privileges of Trade a Guarantee Fund should be formed and established, under the Provisions of the said Act, in some of the Public Stocks or Funds of *Great Britain*, bearing Interest at the Rate of Three Pounds *per Centum per Annum*, and that a separate Account should be opened for that Purpose at the Bank of *England* in the Names of the Commissioners for the Reduction of the National Debt of *Great Britain*, to be called "The *South Sea Company Guarantee Fund*;" and that when and as soon as such Fund should amount in the whole to the Sum of Six hundred and ten thousand four hundred and sixty-four Pounds Three Shillings, bearing an Interest at Three Pounds *per Centum per Annum*, the said Commissioners should forthwith transfer the same to the *South Sea Company*, in full Satisfaction to the said Company of and for the said exclusive Rights of the said Company; and by the same Act it was also enacted, that the Commissioners of His Majesty's Treasury should order Payment out of the Consolidated Fund of *Great Britain* of such Sums of Money to the said Company, from Time to Time, as should be sufficient to enable the Company to continue to pay an additional Dividend of One Half *per Centum per Annum*, in addition to the Three Pounds *per Centum per Annum* payable upon the Capital Trading Stock of the said Company: And whereas by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Customs*, the Commissioners of Her Majesty's Treasury were authorized to direct the Payment by the Commissioners of Her Majesty's Customs, out of any Monies in their Hands, of the annual Sum of Three thousand seven hundred and twenty Pounds to the Commissioners for the Reduction of the National Debt, for the Purpose of being applied toward the Completion of the said Guarantee Fund, and to cease when the said Fund should be completed: And whereas the said Fund now amounts to a Capital Stock of Three hundred and seventy-nine thousand four hundred and forty-six Pounds Ten Shillings, bearing an Interest of Three Pounds *per Centum per Annum*, standing in the Name of the said Commissioners, and the farther Amount of Two hundred and thirty-one thousand and seventeen Pounds Thirteen Shillings is required to complete the said Fund to the stipulated Amount of Six hundred and ten thousand

55 G. S. c. 57.

1 & 2 Vict. c. 113.

‘ thousand four hundred and sixty-four Pounds Three Shillings: ‘ And whereas it is expedient that the said Guarantee Fund ‘ should be forthwith completed, in order that all further Pay- ‘ ments out of the Consolidated Fund toward making good any ‘ Deficiency in the Dividends upon the Capital Trading Stock of ‘ the said Company may cease:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty’s Treasury of the United Kingdom of *Great Britain and Ireland*, by Warrant under the Hands of any Three or more of them, to direct to be charged upon and paid to the Commissioners for the Reduction of the National Debt, out of the Consolidated Fund of the said United Kingdom, or out of the growing Produce thereof, such Sum as shall be necessary for completing the said Guarantee Fund to the stipulated Amount of Six hundred and ten thousand four hundred and sixty-four Pounds Three Shillings; and that the said Commissioners for the Reduction of the National Debt shall forthwith invest the same in some of the Public Stocks or Funds of the said United Kingdom, bearing an Interest of Three Pounds *per Centum per Annum*, so as to complete the said Guarantee Fund, and shall certify the Completion thereof to the Commissioners of Her Majesty’s Treasury.

Guarantee Fund to be completed.

Annuities on which Dividends are unclaimed for Ten Years to be transferred to Commissioners for Reduction of National Debt. 24 G. 2. c. 2.

II. And be it enacted, That within Thirty Days after the passing of this Act, and thereafter from Time to Time, all the Capital Stock of the Old and New *South Sea* Annuities, and of the Annuities created under the Provisions of an Act passed in the Twenty-fourth Year of the Reign of King *George* the Second, intituled *An Act for granting to His Majesty the Sum of Two million one hundred thousand Pounds, to be raised by Annuities and a Lottery, and charged on the Sinking Fund, redeemable by Parliament*, and managed by the said Company, upon which no Dividends shall have been demanded for the Period of Ten Years or upwards next before the last Day upon which any Dividend upon any such Annuities shall have become due or payable (except where the Payment of any such Dividends shall have been or shall be restrained by the Order or Injunction of a Court of Equity), shall be transferred, in manner herein-after mentioned, in the Books of the said Company, from the Account or Accounts, Name or Names in which the same stands in the Books of the said Company, unto a new and separate Account to be raised in the Names of the Commissioners for the Time being for the Reduction of the National Debt; and immediately after such Transfer the Name or Names in which such Annuities stood immediately before such Transfer, and the Residence and Description of the Parties, the Amount transferred, and the Dates of such Transfers, shall be entered upon a List to be kept at the *South Sea* House for that Purpose, which List shall be open for Inspection at the usual Hours of Transfer at the *South Sea* House.

Duplicate Register to be kept.

III. And be it enacted, That a Duplicate Register of the List so made and kept at the *South Sea* House of all such Transfers as aforesaid shall be kept in the Office of the Commissioners for the Reduction of the National Debt, in which an Entry shall be made of

of every such Transfer immediately after the same shall have been made.

IV. And be it enacted, That all Dividends upon the Annuities so transferred, from the respective Times of the Transfer thereof, and all Balances of Sums issued for paying any Part of the Principal Sums invested in such Annuities which shall not have been demanded for the same Period, shall be paid to the Account of the Commissioners for the Reduction of the National Debt for the Time being, and shall be from Time to Time invested by the said Commissioners in the Purchase of Capital Stock in some of the Public Stocks or Funds of the United Kingdom of *Great Britain and Ireland*, to be placed to a separate Account to be called "The Account of Unclaimed Dividends," and so from Time to Time as such Dividends and Balances of Principal Sums become due, and can be so invested; and all such Dividends and Balances, and the Capital Stock arising from the Investment thereof as aforesaid, shall be held by the said Commissioners for the Public, subject nevertheless to such Claims to such Stock, and the Dividends due thereon, as may thereafter be made by the respective Parties entitled thereto.

Unclaimed Dividends and Balances of Repayments to be invested by the Commissioners.

V. And be it enacted, That all Transfers to be made by the said Company in pursuance of this Act shall be made and signed by the Accountant or the Secretary of the said Company for the Time being, and shall be as valid as if signed by the Party or Parties in whose Name or Names the Stock or Annuities so transferred shall stand at the Time of such Transfer; and the said Company, and the said Accountant and Secretary of the said Company, shall be indemnified and saved harmless for making and executing all such Transfers under this Act, and shall not be in any Manner accountable to the Person or Persons entitled or claiming to be entitled to the Annuities which shall be so transferred, or to his, her, or their Executors, Administrators, or to any other Person claiming by, from, or under him, her, or them, or to any other Person or Persons whatsoever having or claiming any Interest whatsoever therein.

By whom Transfers shall be made.

VI. Provided always, and be it enacted, That it shall be lawful for the Governor, Sub-Governor, or Deputy Governor of the said Company for the Time being to give to any Person or Persons who shall show, to the Satisfaction of such Governor, Sub-Governor, or Deputy Governor, his, her, or their Right and Title to any such Capital Stock, a Certificate thereof, directed to the said Commissioners; and on Production of such Certificate it shall be lawful for the said Commissioners, or the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said Commissioners, to re-transfer any such Capital Stock, and to pay the Dividends due thereon, and also to pay any such Principal Sum of Money as aforesaid, as if the same had not been transferred or paid to the Commissioners for the Reduction of the National Debt; but in case the said Governor, Sub-Governor, or Deputy Governor shall not be satisfied of the Justice or Legality of any Claim or Claims which shall be made to any Stock or Annuities so transferred or paid to the Account of the Commissioners for the Reduction of the National Debt, then the Claimant or Claimants may, by Petition in a summary Way, state and verify

Annuities may be re-transferred to Claimants.

his, her, or their Claim to such Stock or Money to the High Court of Chancery; and a Copy of every such Petition shall be served upon Her Majesty's Attorney General for the Time being, and also upon the Commissioners for the Reduction of the National Debt; and the Court to which such Petition shall be presented shall make such Order thereon, either for the Transfer of the Stock or Annuities to which such Petition shall refer, and for Payment of the Dividends which shall have become due and payable thereon, or for the Payment of such Principal Sum of Money as aforesaid, or otherwise relating thereto, and to the Costs of such Application, as to such Court shall seem just; and all Costs and Expences which shall be incurred by or on behalf of Her Majesty's Attorney General, or the said Commissioners for the Reduction of the National Debt, in resisting or appearing upon every such Petition, (if not ordered by the Court to which the Application shall be made to be paid out of the Stock or Annuities, and the Dividends thereby claimed,) shall be paid by the said Commissioners for the Reduction of the National Debt out of the Dividends or Money to be received by them under this Act, and which shall not be claimed.

Indemnity
against new
Claims.

VII. And be it enacted, That the said Company, and the Governor, Sub-Governor, and Deputy Governor of the said Company, and the Accountant and Secretary of the said Company, and the said Commissioners, Comptroller General, Assistant Comptroller, or Chief Clerk, shall be indemnified and saved harmless for any Transfer or Transfers which shall be made from the Account of the Commissioners for the Reduction of the National Debt for the Time being of any such Stock or Annuities as aforesaid, and also for Payment of the Dividends due thereon, and also for the Payment of any such Principal Sums of Money as aforesaid, to any Person or Persons claiming such Annuities and Sums of Money respectively, and shall not be answerable for the same to any new or other Claimant or Claimants; but such new or other Claimant or Claimants shall have their Recourse against the Person or Persons to whom such Transfer or Payment of the said Annuities or Monies shall have been made.

Relief for new
Claimants.

VIII. Provided always, and be it enacted, That if in any Case where such new or other Claimant or Claimants as aforesaid shall have established his, her, or their Right and Title to any such Annuities or Monies as shall have been transferred or paid to a first Claimant or Claimants, and shall not be able to obtain the Transfer and Payment thereof from such first Claimant or Claimants to whom the same shall have been erroneously transferred and paid, then the said Court of Chancery, upon Application by Petition of such new or other Claimant or Claimants, verified as such Court shall require, shall order the Commissioners for the Reduction of the National Debt to transfer to such new or other Claimant or Claimants such Sum or Sums in Stock, and to pay him, her, or them such Sum or Sums in Money, as and for the Dividends, Annuities, and Monies aforesaid, as to such Court shall appear to be just, which Transfers shall be made from Stock transferred into the Names of the said Commissioners under this Act; and the Payment of Dividends and Annuities shall be made from Dividends received by such Commissioners upon such Stock transferred

transferred into their Names as aforesaid, or the Accumulations thereof, or from the Sale of Stock purchased from such Dividends or Accumulations, or any other Monies at the Disposition of the said Commissioners.

IX. And be it enacted, That within Thirty Days after the Tenth Day of *October* next, and within Thirty Days after the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, in the Year One thousand eight hundred and forty-five, and in every following Year, an Account shall be taken of the lowest Amount of the Balances in the Hands of the said Company on account of the said Old and New *South Sea* Annuities, and the Annuities created by the said Act of the Twenty-fourth Year of the Reign of King *George* the Second due and not demanded, and also of Sums which shall have been issued for the Payment of any of the Principal Sums invested in such Annuities remaining unclaimed; and it shall be lawful for the said Company to retain a Balance not exceeding Ten thousand Pounds out of such Balances; and the whole of the Surplus of such Balances over and above the said Sum of Ten thousand Pounds shall be paid, on or before the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, in the Year One thousand eight hundred and forty-five, and every following Year, into the Bank of *England* to the Credit of Her Majesty's Exchequer, and shall be carried to the Account of the Consolidated Fund; and if at any Time before the Payment of the whole of the Principal Sums invested in the said Annuities the Monies remaining in the Hands of the said Company for Payment of the said Annuities or Principal Sums shall be reduced by any such Payment into the Bank of *England* below the Sum of Seven thousand Pounds, the said Company shall in every such Case send a Certificate signed by their Accountant to the Commissioners of the Treasury, and also to the Comptroller General of the Exchequer, setting forth the true Amount of the Balance of the said Monies in their Hands; and the Commissioners of the Treasury, by Warrant under the Hands of any Three or more of them, shall direct to be charged upon and paid out of the growing Produce of the Consolidated Fund such Sum of Money to the said Company as shall be sufficient to make up the said Balance to the Sum of Ten thousand Pounds; and in every Case in which such Sum shall not be issued to the said Company upon such Certificate as aforesaid, Interest after the Rate of Five Pounds in the Hundred by the Year shall be charged by and paid to the said Company upon such Sum until the same shall be issued and paid to the said Company.

X. And whereas the said *South Sea* Company have assented to a Reduction of the Sums heretofore allowed to them for the Charges of the Management of the Unredeemed Public Debt managed by them; be it enacted, That after the Fifth Day of *January* in the Year One thousand eight hundred and forty-five there shall be issued and paid to the said Company, for the Charges of Management of the Unredeemed Public Debt managed by the said Company, a Sum estimated at the Rate of Three hundred Pounds by the Year for each Million of the Capital of such Debt; and as soon after the said Fifth Day of *January* as

Balances of unclaimed Dividends to be paid into the Bank.

Charge for Management.

conveniently may be there shall be made out an Account of the total Capital of Unredeemed Public Debt by the said Company as it shall stand on the said Fifth Day of *January*; and the said Allowance for the Management of the said Debt for the Year ending on the Fifth Day of *January* in the Year One thousand eight hundred and forty-six shall be computed on the Capital as it stood on the Fifth Day of *January* in the Year One thousand eight hundred and forty-five, and shall be paid to the said Company in One Sum before the Fifth Day of *April* in the Year One thousand eight hundred and forty-six; and the Allowance for Management shall be computed and paid in like Manner in every succeeding Year; and the said Allowances shall be instead of all other Charges and Allowances made or to be made to the said Company for Management of the said Debt during the Year One thousand eight hundred and forty-five, and the following Years, by any Act or Agreement now in force: Provided always, that no such Reduction as aforesaid in the Charge of Management shall be made until the said Guarantee Fund shall have been completed and transferred to the said Company.

Act may be amended, &c.

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

C A P. LXXXI.

An Act for Marriages in *Ireland*; and for registering such Marriages. [9th *August* 1844.]

‘ WHEREAS it is expedient to amend the Law of Marriages in *Ireland*, and to provide the Means for a Register of the Marriages of Her Majesty’s Subjects in that Part of the ‘ United Kingdom:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the Thirty-first Day of *March* in the Year One thousand eight hundred and forty-five all the Rules prescribed by the Rubrick concerning the solemnizing of Marriages shall continue to be duly observed, except as herein-after provided, by every Person in Holy Orders of the United Church of *England* and *Ireland* who shall solemnize any Marriage in *Ireland*: Provided always, that the giving of Notice to the Registrar and the Issue of the Registrar’s Certificate for Marriage without Licence, as herein-after mentioned, may be used and shall stand instead of the Publication of Banns, to all Intents and Purposes, where no such Publication shall have been made; and every Person in Holy Orders of the United Church of *England* and *Ireland* shall be bound to solemnize Marriage on Production of such Certificate, in like Manner as he is required to do by any Law or Canon now in force, after due Publication of Banns, so nevertheless that the Church wherein any Marriage according to the Rites of the United Church of *England* and *Ireland* shall so be solemnized shall be within the District of the Registrar by whom such Certificate as aforesaid shall have been issued.

After 31st of March 1845 all Rules prescribed by the Rubrick to continue to be observed.

Marriages shall be solemnized on Production of Registrar’s Certificate.

II. And be it enacted, That nothing in this Act contained shall affect the Right of the Archbishop of *Armagh* and his Successors, and his and their proper Officers, to grant Special Licences to marry at any convenient Time or Place, or, except as herein-after provided, the Right of any Surrogate or other Person now having Authority to grant Licences for Marriage; provided that no Surrogate or other Person now having Authority to grant Licences for Marriages shall grant any Licence for Marriage, not being a Special Licence, until Seven Days after Notice shall have been given by one of the Parties who shall have resided for not less than Seven Days then next preceding in the Parish named in that Notice, under his or her Hand, in the Form of Schedule (A.) to this Act annexed, or to the like Effect, to such Surrogate or other Person having Authority to grant Licences as aforesaid, which Notices he shall file and keep with the Records of his Office, and he shall also forthwith enter a true Copy of such Notices fairly in a Book to be for that Purpose furnished to him by the Registrar General herein-after mentioned, to be called "The Marriage Notice Book," which Book shall be open at all reasonable Times, without Fee, to all Persons desirous of inspecting the same; and such Surrogate or other Person shall forthwith send a Copy of such Notice to the Incumbent or Incumbents of the Parish or Parishes in which the Parties intending Marriage dwell; and for entering every such Notice the Surrogate or other Person shall be entitled to have a Fee of One Shilling over and above the accustomed Fee for granting the Licence; and after the said Thirty-first Day of *March* no Person applying for any such Licence shall be required to give any Security by Bond or otherwise before the Grant of such Licence; and whenever a Marriage shall not be had within Three Calendar Months after the Notice shall have been so given to the Surrogate or other Person as aforesaid, the Notice, and any Licence which may have been granted thereupon, shall be utterly void.

III. And be it enacted, That nothing in this Act contained shall affect any Marriages by any Roman Catholic Priest which may now be lawfully celebrated, nor extend to the Registration of any Roman Catholic Chapel, but such Marriages may continue to be celebrated in the same Manner and subject to the same Limitations and Restrictions as if this Act had not been passed.

IV. And be it enacted, That Marriages between Parties, both of whom are Presbyterians, may be solemnized according to the Forms used by Presbyterians, either by the Licence of a Presbyterian Minister, or by Publication of Banns, as herein-after respectively mentioned, in Meeting Houses to be certified as herein-after mentioned, between the Hours of Eight in the Morning and Two in the Afternoon, with open Doors, and in the Presence of Two or more credible Witnesses; and Marriages between Parties, of whom one only is a Presbyterian, may be solemnized according to the same Forms, by such Licence of a Presbyterian Minister, in such Meeting Houses, between the same Hours, with open Doors, and in the Presence of Two or more credible Witnesses; provided that in either Case there be no lawful Impediment to the Marriage of such Parties.

Not to affect the Right of granting Special Licences.

Notice to be given to Surrogate before Licence.

Entry of Notices.

Fee for Entry.

No Security required before Licence.

Notice void after Three Months.

Roman Catholic Marriages not affected.

Marriages between Parties, one or both of whom are Presbyterians, may be solemnized in certified Meeting Houses.

V. And

Banns to be published in Cases where both of the Parties to be married are Members of Presbyterian Congregations.

V. And be it enacted, That after the said *Thirty-first Day of March*, in every Case in which a Marriage shall be proposed to be solemnized by a Presbyterian Minister between Two Presbyterians, otherwise than by Licence, Banns of Matrimony shall be published by or in the Presence of a Presbyterian Minister in the Presbyterian Meeting House, certified as herein-after is mentioned, frequented by the Congregation of which the Parties to be married shall be Members, upon Three *Sundays* preceding the Solemnization of the Marriage, during the Time of Divine Service, and any such Marriage by a Presbyterian Minister shall be solemnized in such Meeting House, and not elsewhere; and whenever it shall happen that the Parties to be married by a Presbyterian Minister shall be Members of different Congregations the Banns shall in like Manner be published in the certified Presbyterian Meeting House frequented by the Congregation of which each of the Parties to be married shall be a Member; and in every such last-mentioned Case of Publication of Banns the Presbyterian Minister by or in whose Presence such Banns shall be published shall, in Writing under his Hand, certify the Publication thereof; and any such Marriage by a Presbyterian Minister shall be solemnized in one of the certified Presbyterian Meeting Houses where such Banns shall have been published, and in no other Place whatsoever; and before such Marriage shall be solemnized the Certificate of the Presbyterian Minister by whom or in whose Presence the Banns shall have been published in the other certified Meeting House shall be delivered to the Presbyterian Minister solemnizing such Marriage.

Names, Places of Abode, &c. of Parties to be given to the Minister Six Days before Publication of Banna.

VI. And be it enacted, That no Presbyterian Minister shall publish or allow to be published any Banns of Matrimony in any Presbyterian Meeting House of which he is Minister, unless the Persons to be married shall, Six Days at the least before the Time required for the first Publication of such Banns, deliver or cause to be delivered to such Presbyterian Minister a Notice in Writing of their true Christian and Surnames, and of the Congregation or Congregations of which they shall respectively be Members, and of the House or Houses of their respective Abodes, and of the Time during which they have dwelt, inhabited, or lodged in such House or Houses respectively.

Each Presbytery to appoint Ministers to certify Meeting Houses.

VII. And be it enacted, That each Presbytery of Presbyterians in *Ireland* may from Time to Time, subject to the Approbation of the Lord Lieutenant, appoint One or more Ministers, who shall certify to the Registrar herein-after mentioned that the Meeting House to be described in every such Certificate is within such Presbytery, and is used as a Place of public Religious Worship by Presbyterians in connection with such Presbytery; and such Minister shall deliver to the Registrar such Certificate, signed in Duplicate by him; and the Registrar shall send both Certificates to the Registrar General, who shall cause such Meeting House to be registered accordingly in a Book to be kept for that Purpose at the General Register Office herein-after mentioned; and the Registrar General shall cause to be endorsed 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 Registrar, who shall keep the same with

Registry thereof.

with the other Records of his Office; and the Registrar shall enter the Date of the Registry of such Meeting House 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 Minister by whom the Certificates shall have been signed, and shall give public Notice of the Registry thereof by Advertisement in some Newspaper circulating within the County, and in the *Dublin Gazette*; and for every such Entry, Certificate, and Publication the Registrar shall receive at the Time of Delivery to him of the Certificates the Sum of One Pound; and every such Minister shall continue to exercise the Powers given to him by this Act during the Pleasure of the Lord Lieutenant.

VIII. And be it enacted, That every such Minister so appointed and approved as aforesaid shall have Authority to grant Licences for Marriage in any Presbyterian Meeting House, certified as aforesaid within his Presbytery, 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 Five Shillings; and in any Case in which such Minister shall refuse to grant such Licence the Person applying for the same shall be entitled to appeal to the Presbytery by which such Minister shall have been appointed, which shall thereupon either confirm the Refusal or direct the Grant of the Licence; and every such Presbyterian Minister 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 such Minister 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.

IX. And be it enacted, That before any Licence for Marriage as last aforesaid shall be granted by any such Presbyterian Minister, one of the Parties intending Marriage shall appear personally before such Minister, and such Party shall make and subscribe an Oath, or a solemn Affirmation or Declaration instead of taking an Oath, which Oath, Affirmation, or Declaration such Minister is hereby authorized to administer, 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 Presbytery within which the Marriage is to be solemnized, and that they are both of the full Age of Twenty-one Years, or, when either of the Parties 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, or that such Party is a Widower or Widow, as the Case may be.

X. And be it enacted, That the Party so appearing personally before the Minister authorized to grant Licences as aforesaid shall, Seven Days before the Licence shall be delivered to him, produce

Such Ministers to grant Licences for Marriages to be solemnized in Presbyterian Meeting Houses.

Minister to give Security.

Before Licence granted One of the Parties to appear before the Minister, and to take a certain Oath, &c.

Person applying for a Licence to produce from the Minister of

the Congregation of which such Person shall be a Member a Certificate in a given Form.

produce to such Minister a Certificate according to the Form in Schedule (D.) to this Act annexed, or to the like Effect, from the Minister of the Congregation of which he or she shall be a Member, and has been a Member for at least One Calendar Month preceding, which Certificate the Minister authorized to grant Licences as aforesaid shall carefully file and preserve in such Place and Manner as the Presbytery shall direct, and shall also forthwith enter a true Copy of all such Certificates fairly into a Book to be for that Purpose furnished to him by the Registrar General, to be called "The Marriage Notice Book," which Book shall be open at all reasonable Times, without Fee, to all Persons desirous of inspecting the same; and for entering every such Notice the Minister shall be entitled to a Fee of One Shilling.

Caveat may be lodged with the Minister against Grant of Licence.

XI. And be it enacted, That any Person may enter a Caveat with the Minister so appointed and approved against the Grant of a Licence for the Marriage of any Person named therein; and if any Caveat be entered with such Minister, 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 Licence shall issue or be granted until the Minister shall have examined into the Matter of the Caveat, and is satisfied that it ought not to obstruct the Grant of the Licence for the said Marriage, or until the Caveat be withdrawn by the Party who entered the same; and in Cases of Doubt it shall be lawful for such Minister to refer the Matter of any such Caveat to the Presbytery by which he shall have been appointed, which shall decide upon the same.

Marriages of Quakers and Jews.

XII. 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 shall be deemed 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.

Notice of intended Marriage to be given to the Registrar of the District.

XIII. And be it enacted, That in every Case of Marriage intended to be solemnized in *Ireland* after the said Thirty-first Day of *March* according to the Rites of the United Church of *England* and *Ireland* (unless by Licence or by Special Licence, or after Publication of Banns), and in every Case of Marriage intended to be solemnized in *Ireland* after the said Thirty-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 Registrar, appointed as herein-after is mentioned, 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 Registrars shall give the like Notice to the Registrar of each District, and shall state therein the Name and Surname and the Profession or Condition of each of the Parties intending

ending Marriage, the Dwelling Place of each of them, and the **Time** 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, which must be within the District within which one of the Parties shall have dwelt for the Time last aforesaid; but 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: Provided always, that no such Notice shall be required for any Marriage by a Roman Catholic Priest which may lawfully be celebrated, or when the Marriage is intended to be solemnized by a Presbyterian Minister between Two Persons, either of whom shall be Presbyterians, in a Presbyterian Meeting House certified as aforesaid.

Proviso.

XIV. And be it enacted, That the 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 the Register Book herein-after mentioned; and the Marriage Notice Book shall be open at all reasonable Times, without Fee, to all Persons desirous of inspecting the same; and for every such Entry the Registrar shall be entitled to have a Fee of One Shilling.

Registrar to keep Notices in a Book.

XV. And be it enacted, That on the Day previous to each weekly Meeting of the Guardians of any Poor Law Union, or of any Parish or Place comprising the District for which such Registrar shall act, the Registrar shall transmit to the Clerk to the 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 every Meeting of such Guardians which shall be held within Twenty-one Days from the Day of such Notice being entered; and if no Meeting be held within Twenty-one Days from the Day of such Notice being entered, the Entry of such Notice shall be sufficient for the Purposes aforesaid.

Notices to be published.

XVI. 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 Day of the Entry of such Notice, the 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 Registrar

After Seven Days, or Twenty-one Days, Certificate of Notice to be given, upon Demand.

why

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 Day of 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 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.

XVII. And be it enacted, That the Registrar General shall furnish to every Registrar a sufficient Number of Forms of Certificates, the Cost of which shall be accounted for by the 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 Water-mark 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 for Marriage by Licence shall be printed with Red Ink, and every Certificate to be issued for Marriage 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.

Issue of Registrar's Certificate may be forbidden.

XVIII. And be it enacted, That any Person authorized in that Behalf may forbid the Issue of the 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.

Who are to give Consent if Parties are under Age.

XIX. And be it enacted, That after the said Thirty-first Day of *March* no Marriage shall be solemnized in *Ireland* by Licence either of a Surrogate or Deputy Surrogate, or of a Presbyterian Minister or a Registrar, as herein provided, where either of the Parties, not being a Widower or Widow, shall be under the Age of Twenty-one Years, unless the Consent of the Father of such of the Parties so under Age (if then living) be first had and obtained, or if dead of the Guardian or Guardians of the Person of the Party so under Age lawfully appointed, or one of them, and in case there shall be no such Guardian or Guardians, then of the Mother of such Party, if unmarried, and if there shall be no Mother unmarried, then of the Guardian or Guardians appointed by the Court of Chancery, if any, or one of them; and every Person whose Consent to a Marriage by Licence is required as aforesaid shall be authorized to enter a Caveat against the Issue of Licence by any Person empowered by this Act to grant Licences, and shall be also authorized to forbid the Publication of Banns

any Church or Chapel or certified Presbyterian Meeting House, and to forbid the Issue of the Registrar's Certificate.

XX. Provided always, and be it enacted, That if the Father or Mothers of the Parties to be married, or one of them, so under Age as aforesaid, shall be *non compos mentis*, or the Guardian or Guardians, Mother or Mothers, or any of them, whose Consent is made necessary as aforesaid to the Marriage of such Party or Parties, shall be *non compos mentis*, or in Parts beyond the Seas, or shall unreasonably or from undue Motives refuse or withhold his, her, or their Consent to a proper Marriage, then it shall be lawful for any Person desirous of marrying in any of the before-mentioned Cases to apply by Petition to the Lord Chancellor or the Lords Commissioners of the Great Seal of *Ireland* for the Time being, or Master of the Rolls, who shall be empowered to proceed upon such Petition in a summary Way; and in case the Marriage proposed shall upon Examination appear to be proper, the said Lord Chancellor, Lords Commissioners of the Great Seal for the Time being, or Master of the Rolls, shall judicially declare the same to be so; and such judicial Declaration shall be deemed and taken to be as good and effectual to all Intents and Purposes as if the Father, Guardian or Guardians, or Mother, of the Person so petitioning, had consented to such Marriage.

Who to give Consent in case of Incapacity of Parents and Guardians.

XXI. And be it enacted, That after the said Thirty-first Day of *March* every Registrar shall have Authority to grant Licences for Marriage in any Building registered as herein-after provided within his District, or in his Office, in the Form of Schedule (E.) to this Act annexed, and for every such Licence shall be entitled to have of the Party requiring the same the Sum of Five Shillings; and every 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 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 Registrar to grant any Licence for Marriage in any Church or Chapel in which Marriages may be solemnized according to the Rites of the United Church of *England* and *Ireland*, or in any Church or Chapel belonging to the said United Church, or licensed for the Celebration of Divine Worship according to the Rites and Ceremonies of the said United Church, or any Licence for a Marriage between Two Persons, both or one of whom shall be Presbyterians, in a Presbyterian Meeting House certified as aforesaid.

Registrar may grant Licences for Marriage.

Registrar to give Security.

Proviso.

XXII. And be it enacted, That before any Licence for Marriage shall be granted by any such Registrar One of the Parties intending Marriage shall appear personally before such Registrar, and, in case the Notice of such intended Marriage shall not have been given exclusively to such Registrar, shall deliver to him the Certificate of the other Registrar to whom such Notice shall 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

Certificate to be given before the Licence is granted.

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 that they are both of the full Age of Twenty-one Years, or, where either of the Parties 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, or that such Party is a Widower, or Widow, as the Case may be.

Caveat may be lodged with Registrar against Grant of Licence or Certificate.

XXIII. And be it enacted, That any Person, upon the Payment of the Sum of Five Shillings, may enter a Caveat with the 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 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 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 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 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 Notice, unless by Licence.

XXIV. And be it enacted, That after the said Thirty-first Day of *March* no Marriage after such Notice as aforesaid, unless by virtue of a Licence to be granted by the Registrar, shall be solemnized or registered in *Ireland* 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 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.

XXV. And be it enacted, That whenever a Marriage shall not be had within Three Calendar Months after the Day on which the Notice shall have been so entered by the 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.

Registrar's Certificate or Licence to be delivered to the Person by or before whom the Marriage is solemnized.

XXVI. And be it enacted, That the Registrar's Certificate, or, in case the Parties shall have given Notice to the Registrars of different Districts, the Certificate of each Registrar, shall be delivered to the Officiating Minister, if the Marriage shall be solemnized according to the Rites of the United Church of *England* and *Ireland*, or to the Registering Officer of the People called Quakers for the Place where the Marriage is solemnized, if the

me 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, and shall be by him kept with the Records of his Office.

XXVII. And be it enacted, That any Proprietor or Trustee of a separate Building, being a Place of Religious Worship, may apply to the Registrar of the District, in order that such Building may be registered for solemnizing Marriages therein, and in such Case shall deliver to the Registrar a Certificate, signed in Duplicate by Ten 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 Registrar shall send both Certificates to the Registrar General, who shall cause such Building to be registered accordingly in a Book to be kept for that Purpose at the General Register Office; and the Registrar General shall cause to be endorsed 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 Registrar, who shall keep the same with the other Records of his Office; and the 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 *Dublin Gazette*; and for every such Entry, Certificate, and Publication the Registrar shall receive at the Time of the Delivery to him of the Certificates the Sum of One Pound.

XXVIII. And be it enacted, That if at any Time subsequent to the Registry of any such 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 Registrar of the District; and such Cancelling or Substitution, when made, shall be made known by the Registrar

Places of
Worship may
be registered
for solemnizing
Marriages
therein.

On Removal
of the same
Congregation,
the new Place
of Worship may
be immediately
registered
instead of the
one disused.

General to the 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 Cancelling 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 Registrar shall receive from the Party requiring the Substitution the Sum of One Pound; and after such Cancelling 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 Two Witnesses.

XXIX. 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 in the Forenoon and Two in the Afternoon, in the Presence of the 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 also, that there be no lawful Impediment to the Marriage of such Parties.

Marriages may be celebrated before the Registrar at his Office.

XXX. 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 on any Day except Sunday at the Office and in the Presence of the 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.

Marriage Fees to the Registrar.

XXXI. 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.

Proof of Residence of Parties, or of Consent, &c., not necessary to establish the Marriage.

XXXII. 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 or Presbytery (as the Case may be) wherein such Marriage was solemnized for the

Time required by this Act, or of the Consent of any Person whose Consent thereunto is required by Law; and where a Marriage shall have been solemnized in a certified Presbyterian Meeting House, it shall not be necessary to prove that either of the Parties was a Presbyterian, or, if the Marriage was by Licence, that the Certificate required to be delivered to the Minister granting such Licence had been so delivered, or, where the Marriage was by Banns, that a Certificate of the Publication of Banns had been produced to the Minister by whom the Marriage was solemnized, in Cases where such Production is required by this Act; nor shall any Evidence be given to prove the contrary of any of these several Particulars in any Suit touching the Validity of such Marriage, or in which such Marriage shall be questioned.

XXXIII. '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 United Church of *England and Ireland*, from the Inconvenience to which they may be thereby subjected in the Solemnization of their Marriages; be it therefore enacted, That, with the Consent 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 Chancel thereunto annexed, or any Chapel duly licensed for the Celebration of Divine Service according to the Rites and Ceremonies of the United Church of *England and Ireland*, or any Chapel the Minister whereof is duly licensed to officiate therein according to the Rites and Ceremonies of the United Church of *England and Ireland*, 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 Publication of Banns and 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 said Bishop may seem fit, and as may be specified in the said Licence; and the said Licence shall be construed to extend to and authorize Marriages in such Chapels between Parties, one or both of whom is or are resident within the said District: Provided always, that where the Parties to any Marriage intended to be solemnized after Publication of Banns shall reside within different Ecclesiastical Districts, the Banns for such Marriage shall be published as well in the Church or Chapel wherein such Marriage is intended to be solemnized as in the Chapel licensed under the Provisions of this Act for the other District within which one of the Parties is resident, and if there be no such Chapel then in the Church or Chapel in which the Banns of such last-mentioned Party may be legally published: Provided also, 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

Bishops, with Consent of Patrons, may license Chapels for the Solemnization of Marriages in populous Places.

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.

XXXIV. 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.

Patron or Incumbent may appeal to the Archbishop against such Licences.

XXXV. And be it enacted, That when the said Bishop shall authorize the Solemnization of Marriages in any such Chapel as aforesaid, without the Consent 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.

Notice of such Licences to be affixed in Chapels.

XXXVI. 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: "Banns may be published and Marriages may be solemnized in this Chapel."

Marriages performed in such

XXXVII. And be it enacted, That all Provisions which shall from Time to Time be in force relative to Marriages, and to providing,

iding, 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.

Chapels to be under the same Regulations as those in Parish Churches.

XXXVIII. 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.

Option to Parties to be married at Parish Church.

XXXIX. 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 Advertisement in some Newspaper circulating within the County, and in the *Dublin Gazette*, and thenceforth the Authority to solemnize Marriages in such Chapel shall cease.

Bishop, with Consent of Archbishop, may revoke such Licences;

XL. 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 by and deposited with such Incumbent or Officiating Minister; and that such Incumbent or Minister shall, when he next transmits to the 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 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 Registrar, having first signed his Name at the Foot of the last Entry therein.

in which Case Registers to be sent to the Incumbent of the Parish Church.

XLI. And be it enacted, That the Registrar of every Diocese shall, within Fifteen Days after the said Thirty-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 Marriages at his Office, a List of all Chapels belonging to the United Church of *England and Ireland* within that Diocese wherein Marriages may lawfully be solemnized according to the Rites and Ceremonies of

Registrars of Dioceses to send to the Registrar Office yearly Lists of licensed Chapels within their Districts.

List of all Chapels and Buildings registered to be printed.

the United Church of *England* and *Ireland*, 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 cause to be made out and 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 a Copy of such List shall be sent to every Registrar.

Marriages under this Act cognizable.

XLII. 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 United Church of *England* and *Ireland*.

Persons vexatiously entering Caveat liable to Costs and Damages.

XLIII. And be it enacted, That every Person who shall enter a Caveat with the 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 either of the Parties against whose Marriage such Caveat shall have been entered; and a Copy of the Declaration of the Registrar General, purporting to be sealed with the Seal of the General Register Office, and which Seal it shall not be necessary to prove, shall be Evidence that the Registrar General has declared such Caveat to be entered on frivolous Grounds, and that they ought not to obstruct the Grant of the Licence.

Persons making false Declarations, &c. guilty of Perjury.

XLIV. 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 Registrar's Certificate, by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by this Act, or by falsely representing himself to be acting on behalf of such Person, knowing such Representation to be false, shall suffer the Penalties of Perjury.

Persons unduly solemnizing Marriage guilty of Felony.

XLV. And be it enacted, That every Person who after the said Thirty-first Day of *March* shall knowingly and wilfully solemnize any Marriage or pretended Marriage in *Ireland* unless by Special Licence of the Archbishop of *Armagh* and his Successors, and his or their proper Officers, in any other Place than a Church or Chapel in which Marriages may be solemnized according to the Rites of the United Church of *England* and *Ireland*, or a Presbyterian Meeting House certified as aforesaid, 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 by any Roman Catholic Priest which may now be lawfully celebrated, or a Marriage between Two of the Society of Friends commonly called Quakers, according to the Usages of the said

said

aid 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 or pretended Marriage in the Absence of the Registrar shall be guilty of Felony; and every Person who shall knowingly and wilfully solemnize any Marriage or pretended Marriage in *Ireland* after the said Thirty-first Day of *March* (except by Licence) within Twenty-one Days after the Day of the Entry of the Notice to the Registrar as aforesaid, or if the Marriage is by Licence within Seven Days after the Day of the Entry required by this Act made in any Marriage Notice Book, or after Three Calendar Months after the Day of such Entry, shall be guilty of Felony.

XLVI. And be it enacted, That every Person knowingly and wilfully solemnizing any Marriage, unless after due Publication of Banns or Licence, or the Issue of the Registrar's Certificate, or who shall knowingly and wilfully grant any such Licence or publish any such Banns, after the Issue of such Licence or the Publication of such Banns shall have been lawfully forbidden by some Person authorized as aforesaid, shall be guilty of Felony.

Solemnizing Marriage without Publication of Banns, &c.

XLVII. And be it enacted, That every Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the Expiration of Three Calendar Months after the Day on which 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 Day of the Entry of the Notice, or any Certificate for Marriage without Licence before the Expiration of Twenty-one Days after the Day of 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 Day on which the Notice shall have been entered by the Registrar as aforesaid, or who shall knowingly and wilfully solemnize or permit to be solemnized in his Office any Marriage herein declared to be null and void, shall be guilty of Felony.

Registrars unduly issuing Certificates guilty of Felony.

XLVIII. And be it enacted, That every Prosecution under this Act shall be commenced within the Space of Three Years after the Offence committed.

Limitation of Prosecution.

XLIX. And be it enacted, That, except in the Case of Marriages by Roman Catholic Priests which may now be lawfully celebrated, if any Persons shall knowingly and wilfully intermarry after the said Thirty-first Day of *March*, in any Place other than the Church or Chapel or certified Presbyterian Meeting House in which Banns of Matrimony between the Parties shall have been duly and lawfully published, or specified in the Licence, where the Marriage is by Licence, or the Church, Chapel, registered Building or Office, specified in the Notice and Registrar's Certificate or Licence as aforesaid, or without due Notice to the Registrar, or without Certificate of Notice duly issued, or

Marriages void if unduly solemnized with the Knowledge of both Parties.

without Licence from the Registrar, in case such Notice or Licence is necessary under this Act, or in the Absence of a Registrar where the Presence of a Registrar is necessary under this Act, or if any Persons shall knowingly or wilfully, after the said Thirty-first Day of *March*, intermarry in any certified Presbyterian Meeting House without Publication of Banns, or any Licence, the Marriage of all such Persons, except in any Case herein-before excepted, shall be null and void.

9 G. 2. (1.)
and 23 G. 2.
(1.) repealed;
saving Enactments respecting degraded Clergymen.

L. And be it enacted, That after the said Thirty-first Day of *March* an Act passed by the *Irish* Parliament in the Ninth Year of the Reign of King *George* the Second, intituled *An Act for the more effectual preventing clandestine Marriages*, and so much of an Act passed in the Twenty-third Year of the same Reign, for explaining and making more effectual the last-recited Act, as relates to the last-recited Act, shall be repealed; but that nothing in this Act shall extend to repeal any Enactments now in force in *Ireland* for preventing the Performance of the Marriage Ceremony by degraded Clergymen.

In fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

LI. 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 Her Majesty's Attorney General or Solicitor General for *Ireland* to sue in the Court of Chancery or Court of Exchequer in *Ireland* 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 in *England* by Licence before the passing of this Act according to the Rites of the Church of *England*.

A General Registry Office to be provided in Dublin.

LII. And be it enacted, That, in order to provide the Means for a Register of the Marriages of Her Majesty's Subjects in *Ireland* who shall be married under the Provisions of this Act, it shall be lawful for the Lord Lieutenant to provide a proper Office in the City of *Dublin*, to be called "The General Register Office," for keeping a Register of such Marriages, and to appoint for the said Office a Registrar General of Marriages in *Ireland*, and from Time to Time at pleasure to remove the said Registrar General, and appoint some other Person in his Room.

Lord Lieutenant to appoint Officers, and fix the Salaries of Registrar General and other Officers.

LIII. And be it enacted, That the Lord Lieutenant, or the Registrar General, subject to the Approval of the Lord Lieutenant, shall appoint from Time to Time such Officers, Clerks, and Servants as he shall deem necessary to carry on the Business of the General Registry Office, and at pleasure remove them or any of them; and the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, shall fix the Salary of the Registrar General, so that the same shall not at any Time exceed the Sum of Eight hundred 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

LIV. And be it enacted, That the Salaries of the Registrar General, and of the said Officers, Clerks, and Servants, and all

Expences

Expences of carrying on the Business of the General Registry Office, not herein otherwise provided for, shall be paid by the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Consolidated Fund.

LV. And be it enacted, That the Lord Lieutenant, or the Registrar General, with his Approbation, from Time to Time may make 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 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.

Regulations for Conduct of Officers to be framed under Direction of Lord Lieutenant.

LVI. And be it enacted, That the Registrar General shall send once in every Year to the Lord Lieutenant, who shall forthwith transmit the same to One of the Principal Secretaries of State, a General Abstract of the Number of 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 Calendar Month after Receipt thereof, or, if Parliament be not then sitting, within One Calendar Month after the next Meeting of Parliament.

Annual Abstract of Registers to be laid before Parliament.

LVII. And be it enacted, That the Lord Lieutenant shall, as soon as may be after the passing of this Act, form all the Parishes, Townships, and Places in Ireland into Districts; and the Lord Lieutenant shall appoint a sufficient Number of fit Persons to be Registrars for such Districts, and shall appoint the Districts which each shall superintend; and every such Registrar shall hold his Office during the Pleasure of the Registrar General.

Registrars to be appointed for Districts to be formed by Lord Lieutenant.

LVIII. And be it enacted, That a Register Office shall be provided and upheld in each District, 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 Registrar of the District.

A Register Office to be provided in each District.

LIX. And be it enacted, That the Appointments of Registrars, and the Duplicates and certified Copies of Registers, herein-after mentioned, shall be exempt from Stamp Duties.

Appointments, &c. free from Stamp Duty.

LX. And be it enacted, That the Registrar General shall furnish to every Registrar a sufficient Number of strong Iron Boxes to hold the Register Books to be kept by every such Registrar; and every such Box shall be furnished with a Lock and Key, which Key shall be kept by the 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.

LXI. And be it enacted, That in every Case in which any 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, shall be given as soon as conveniently may be to his Successor in Office; and if any Person shall refuse to

All Books, &c. to be transferred on Removal of Registrars.

to

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 shall commit such Offender to the Common Gaol or House of Correction 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.

Register Books
to be provided.

LXII. 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 Marriages of Her Majesty's Subjects in *Ireland* who shall be married under the Provisions of this Act, according to the Form of Schedule (G.) 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 Marriages; 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
furnish Mar-
riage Register
Books and
Forms for cer-
tified Copies.

LXIII. And be it enacted, That the Registrar General shall furnish to every Registrar a sufficient Number of Marriage Register Books, and Forms for certified Copies thereof as herein-after provided, and also, on being thereunto required, shall furnish or cause to be furnished to the Rector, Vicar, or Curate of every Church and Chapel in *Ireland* wherein Marriages may lawfully be solemnized, and also to the Presbyterian Minister of every certified Presbyterian Meeting House, and also to every Person whom the Recording Clerk of the Society of Friends commonly called Quakers, at their Central Office in *Dublin*, shall from Time to Time certify in Writing under his Hand to the Registrar General to be a Registering Officer in *Ireland* 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 *Ireland* of Persons professing

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 High Constable out of the County Rates.

LXIV. And be it enacted, That every Clergyman of the United Church of *England* and *Ireland*, immediately after every Office of Matrimony solemnized by him, shall register in Duplicate in Two of the Marriage Register Books the several Particulars relating to that Marriage according to the Form of the said Schedule (G.); and every Presbyterian Minister of a certified Presbyterian Meeting House, 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 (G.); 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 Presbyterian Minister, or by such Registering Officer or Secretary respectively as aforesaid,) shall be signed by the Clergyman, or by such Presbyterian Minister, 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.

Marriage Registers to be kept in Duplicate.

LXV. And be it enacted, That the Rector, Vicar, or Curate of every such Church and Chapel, and every such Presbyterian Minister of a certified Presbyterian Meeting House, and every such Registering Officer and Secretary, shall, in the Months of *April*, *July*, *October*, and *January* respectively, make and deliver to the Registrar of the District in which such Church or Chapel or certified Presbyterian Meeting House or registered Place of Worship may be situated, or which may be assigned by the Registrar General to such Registering Officer or Secretary, on one of the Forms to be furnished to him as aforesaid by the Registrar General, 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 *April* One thousand eight hundred and forty-five, 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

Duplicates and certified Copies of Registers of Marriages to be sent to Registrar.

vered to the Registrar of the District in which such Church or Chapel or certified Presbyterian Meeting House 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 kept by any such Presbyterian Minister shall remain under the Care of such Presbyterian Minister, and be kept with the other Registers and Records of his Meeting House, 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.

Registrar to register all Marriages solemnized before him in Books to be sent by the Registrar General.

LXVI. And be it enacted, That the Registrar shall forthwith register every Marriage solemnized in manner aforesaid in his Presence, either in a registered Building or in his Office, 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 in Schedule (G.); and every Entry of such Marriage shall be signed 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; and the Registrar shall keep the said Marriage Register Books with the Records of his Office, and shall, in the Months of *April, July, October, and January* respectively, make, on one of the Forms to be furnished to him as aforesaid by the Registrar General, a true Copy, certified by him as aforesaid, in the Form of Schedule (F.) annexed to this Act, 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 thousand eight hundred and forty-five, 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.

Registrars to send certified Copies of Registers to the General Registrar Office.

LXVII. And be it enacted, That every 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 Marriages which he shall have so made or received; and the Registrar General, 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, shall procure, as far as possible, consistently with the Provisions of this Act, that the same may be remedied and supplied; 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 Lord Lieutenant, shall think fit, so that the same may be most readily seen and examined.

LXVIII. And

LXVIII. And be it enacted, That every Rector, Vicar, or Curate, or Presbyterian Minister of a certified Presbyterian Meeting House, and every Registrar, Registering Officer, and Secretary, who shall have the keeping for the Time being of any Register Book of Marriages, wherein any Marriage shall have been registered under this Act, 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.

Searches may be made and Certificates given by the Persons keeping the Registers.

Fees.

LXIX. And be it enacted, That every Registrar shall cause Indexes of the Register Books in his Office to be made, 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 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 certified Copy the Sum of Two Shillings and Sixpence.

Indexes to be kept at Registrar's Office, and Searches allowed.

Fees.

LXX. 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 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.

Fees.

LXXI. 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, and which Seal it shall not be necessary to prove, shall be received as Evidence of the 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.

LXXII. And be it enacted, That it shall be lawful for every Clergyman of the United Church of *England and Ireland* who shall solemnize any Marriage in *Ireland*, and for every Presbyterian Minister of a certified Presbyterian Meeting House, and for the Registrar before whom any Marriage is solemnized under this

Clergymen, &c. may ask Parties married Particulars required.

Act,

Act, either in any registered Building or in his Office, and for every Registering Officer of the Quakers, and every Secretary of a Synagogue, after the said Thirty-first Day of March, to ask of the Parties to be married the several Particulars herein required to be registered touching such Marriage.

Penalty for wilfully giving false Information.

LXXIII. 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 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 not duly registering Marriages, or for losing or injuring the Registers.

LXXIV. 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 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.

LXXV. 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 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, of which a Copy or Extract shall be so given, or shall forge or counterfeit the Seal of the Register Office, shall be guilty of Felony.

Accidental Errors may be corrected.

LXXVI. Provided always, and be it enacted, That no Person charged with the Duty of registering any Marriage, who shall discover any Error to have been committed in the Form or Substance of any such Entry, either by himself or any Predecessor in his Office, 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 Parties married, or in case of the Death or Absence of such Parties, then in the Presence of the 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, and 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 he shall make and deliver in like Manner a separate certified Copy of the original erroneous Entry, and of the marginal Correction therein made.

LXXVII. 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 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 Offence 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 Commissioners of the Treasury shall appoint, for the Use of Her 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.

Recovery of Penalties.

LXXVIII. And be it enacted, That the Prosecution for every Offence punishable on summary Conviction under this Act shall be commenced within Three Calendar Months next after the Commission of the Offence.

Limitation as to summary Convictions.

LXXIX. And be it enacted, That in all Cases where the Sum 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

Appeal.

Court

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.

No Certiorari.

LXXX. And be it enacted, That no such Conviction, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

Not to affect
Officiating
Minister's Fees.

LXXXI. Provided always, and be it enacted, That nothing herein contained shall affect the Right of any Officiating Minister to receive the Fees now usually paid for the Performance or Registration of any Marriage.

Registrar
General to
furnish Notices
to Guardians
of Unions, &c.
of Acts to be
done by Parties
registering.

LXXXII. And be it 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 under the Provisions of this Act.

Certain Mar-
riages cele-
brated in Ire-
land to be the
same in Law as
if solemnized by
Clergymen of
the Established
Church.

LXXXIII. ' And whereas Marriages have in divers Instances ' been had and celebrated in *Ireland* by Presbyterian and other ' Protestant Dissenting Ministers or Teachers, or those who at ' the Time of such Marriages had been such, between Persons ' of the same or different religious Persuasions, and it is expe- ' dient to confirm such Marriages; ' be it therefore enacted, That all Marriages had and celebrated in *Ireland* since the passing of an Act passed in the last Session of Parliament, intituled *An Act for Confirmation of certain Marriages in Ireland*, and before the passing of this Act, by Presbyterian or other Protestant Dissenting Ministers or Teachers, or those who at the Time of such Marriages had been such, shall be and shall be adjudged, and taken to have been and to be of the same Force and Effect in Law as if such Marriages had been solemnized by Clergymen of the *United Church of England and Ireland*, and of no other Force nor Effect whatsoever.

Extent of Act.

LXXXIV. And be it enacted, That this Act shall extend only to *Ireland*, and shall not extend to the Marriage of any of the Royal Family.

Act may be
amended, &c.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To *A.B.* [*or C.D.*] Surrogate [*or Deputy Surrogate*], *or*

To the Registrar of the District of [*Roscrea*] in the County of [*Tipperary*], [*as the Case may be*].

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.	Con- dition.	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 resides, when the Parties dwell in different Districts.
Lucius O'Hara.	Widower	Carpenter	Of full Age.	High Street, Roscrea.	28 Days	Sion Chapel,	Maryborough,
Margaret Shaw.	Spinster	-	Minor	Grove Farm. Parish Mary- borough.	More than a Month.	Roscrea, Tipperary.	Queen's County.

Witness my Hand this [*Sixth*] Day of [*May 1845*].

(Signed) *Lucius O'Hara.*

[The Particulars in this Schedule be entered according to the Fact.]

SCHEDULE (B.)

[No. 1.]

REGISTRAR'S CERTIFICATE.

I [John Cox], Registrar of the District of [Roscrea] in the County of [Tipperary], 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 [Lucius O'Hara], One of the Parties; (that is to say,)

Name.	Con- dition.	Rank or Condition.	Age.	Dwell- ing Place.	Length of Residence.	Church or Building in which Marriage is to be solemnized.	District and County in which the other Party dwell. where the Parties dwell in different Districts.
Lucius O'Hara.	Widower	Carpenter	Of full Age.	High Street.	23 Days	Sion Chapel, Roscrea,	Maryborough, Queen's
Margaret Shaw.	Spinster	-	Minor	Grove Farm.	More than a Month.	Tipperary.	County.

Date of Notice entered,
6th May 1845.
Date of Certificate given,
28th May 1845.

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the Issue thereof.

Witness my Hand this [Twenty-eighth] Day of [May One thousand eight hundred and forty-five].

(Signed) John Cox,
Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the [Seventh] Day of [August 1845].

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (C.)

LICENCE OF MARRIAGE.

WHEREAS a Marriage is intended to be solemnized between *A.B.* of
 and *C.D.* of : And whereas Application for a Licence
 hath been made to me *E.F.* the Presbyterian Minister duly
 authorized by His Excellency the Lord Lieutenant pursuant to the Provisions
 of an Act passed in the Eighth Year of the Reign of Queen Victoria,
 intituled "An Act," &c. [*here insert the Title of this Act*], to
 issue Marriage Licences within the Bounds of the Presbytery of :
 And whereas I have received the Certificate required by Law from the
 Reverend *G.H.*, Minister of the Congregation of of which *A.B.*
 [*or C.D.*] is a Member: And whereas I have duly ascertained, by the Oath
 [*or Affirmation*] of the said *A.B.* [*or C.D.*], that the Parties are respectively
 of the Age of Twenty-one Years, and that there is no Impediment of Kindred
 or Alliance or other lawful Hindrance to the said Marriage, and that *A.B.*
 [*or C.D.*] has had his [*or her*] usual Place of Abode for the Space of Fifteen
 Days last past within the Bounds of the Presbytery of , or [*in*
Cases where either Party is under Age, and not a Widower or Widow,] that
A.B. [*or C.D.*] is under the Age of Twenty-one Years, and that the Consent
 of *I.K.*, whose Consent to his [*or her*] Marriage is required by Law, has been
 obtained thereto [*or that there is no Person having Authority to give such*
Consent, or, where a Party so under Age is a Widower or Widow, that A.B.
[or C.D.] is under Twenty-one Years of Age, but is a Widower or Widow, as
the Case may be]: Now I do hereby grant unto the Reverend or
 other the Minister officiating in the certified Presbyterian Meeting House of
 full Licence, according to the Authority in that Behalf given
 to me by the said Act, to proceed to solemnize such Marriage; provided that
 the said Marriage be publicly solemnized in the Presence of Two Witnesses,
 within One Calendar Month from the Date hereof, in the certified Presby-
 terian Meeting House of [*here describe the Meeting House*
in which the Marriage is to be solemnized], between the Hours of Eight in the
 Forenoon and Two in the Afternoon. Given under my Hand this
 Day of One thousand eight hundred and

(Signed) *E.F.*

Licenser of Presbyterian Marriages.

SCHEDULE (D.)

PRESBYTERIAN MINISTER'S CERTIFICATE.

I [*John Mason*], Presbyterian Minister of _____ in the _____
 bytery of _____ do hereby certify, That on the _____ D
 Notice was duly entered in a Book kept for that Purpose
 my Congregation of the Marriage intended between the Parties therein
 and described, delivered under the Hand of _____ One of the Pastors
 who is and has been for the last Calendar Month a Member of my
 Congregation; (that is to say),

Name.	Con- dition.	Rank or Pro- fession.	Age.	Residence.	Length of Resi- dence.	Church or Building in which Marriage is to be performed.	County and in which the Party do or where the dwelling is in the Parish Congregati- on District
John Brown.	Widower	Mason	Full Age or 21.	County Down. Parish Comber. Town Comber. Townland Comber.	2 Years	1st Pres- byterian Church, Comber.	Congregat- ion Kilrea. County of _____
Mary Mahon.	Spinster	Milliner	Full Age	County Derry. Parish Kilrea. Town Kilrea.			

Witness my Hand, this
 hundred and _____

Day of _____

One thousand

(Signed)
 Minister of the

[*John Mason*],
 Congregation of _____

[The Particulars in this Schedule to be entered according to the Fact.]

SCHEDULE (G.)

1845.—MARRIAGES solemnized [at the Parish Church] in the [Parish of St. Audeon] in the City of [Dublin].

No.	When married.	Name and Surname.	Age.	Con- dition.	Rank or Pro- fession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profes- sion of Father.
1	27 March 1845.	Patrick Donovan.	Of full Age.	Bachelor.	Car- penter.	3, South Street.	Peter Do- novan.	Uphol- sterer.
		Mary O'Brien.	Minor	Spinster.	—	17, High Street.	Laurence O'Brien.	Butcher.

Married in the [Parish Church], according to the Rites and Ceremonies of the [United Church of England and Ireland, by Licence], or [after Banns],

By me, [William Jackson, Vicar.]

This Marriage was so- { Patrick Donovan, } In the Pre- { Dennis Donovan.
lemnized between us, { Mary O'Brien, } sence of us, { Laurence O'Brien.

[The Particulars in this Schedule to be entered according to the Fact.]

C A P. LXXXII.

An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence in *Ireland*.

[9th August 1844.]

C A P. LXXXIII.

An Act to amend the Laws relating to Saving Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks.

[9th August 1844.]

‘ WHEREAS it is expedient to amend the Laws relating to Savings Banks, and to make other Provisions respecting Savings Banks, and the Purchase of Government Annuities through the Medium of Savings Banks: And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*; and another Act was passed in the Third Year of the Reign of His late Majesty King

King *William* the Fourth, intituled *An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the Medium of Savings Banks, and to amend an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That on the Twentieth Day of *November* One thousand eight hundred and forty-four the Interest payable on the Receipts issued to the Trustees of Savings Banks by the Commissioners for the Reduction of the National Debt shall cease, and that from and after the said Twentieth Day of *November* all Receipts issued prior to that Day shall carry Interest at the Rate of Three Pounds Five Shillings *per Centum per Annum*; and that from and after the said Twentieth Day of *November*, upon the Payment of any Sum or Sums of Money into the Banks of *England or Ireland*, to the Account of the said Commissioners, by the Trustees of any Savings Bank, it shall be lawful for the Officer or Officers of the said Commissioners in that Behalf, and he and they is and are hereby authorized and empowered, to issue, upon every such Payment being made, a Receipt, signed by One of the Cashiers of the Governor and Company of the Banks of *England or Ireland* respectively, for the Amount of such Payment, carrying Interest at the Rate of Three Pounds Five Shillings *per Centum per Annum* from the Day of such Payment inclusive, payable, with the Principal, at the Banks of *England or Ireland* respectively, whenever the same shall be required or drawn for in manner directed by the said recited Act; and such Receipt shall be dated on the Day on which the Payment of any such Sum or Sums of Money shall be made respectively; and every such Receipt shall be in such Form as shall be from Time to Time directed by the said Commissioners; and the Principal and Interest of all Sums mentioned in any Receipt shall be charged and chargeable upon, and the same are hereby charged and made payable out of all or any Monies standing in any Account in the Names of the said Commissioners, or out of any Monies produced by the Sale of any Stock or Annuities, Funds, or Exchequer Bills standing in their Names in the Books of the Banks of *England or Ireland* respectively, as the said Commissioners shall from Time to Time direct: Provided always, that no fractional Part less than One Penny shall be allowed or paid as Interest upon the Principal Sum contained in any Receipt issued under the Provisions of this Act.

From and after 20th November 1844 the Interest payable to Trustees of Savings Banks shall be at the Rate of 3l. 5s. per Cent.

II. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four the Interest payable to the Depositors by the Trustees or Managers of any Savings Banks shall not exceed the Rate of Three Pounds and Ten-pence *per Centum per Annum*.

After 20th Nov. 1844 Interest not to exceed 3l. Os. 10d.

III. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four it shall not be lawful to receive from any Depositor his or her first Deposit in any Savings Bank without requiring him or her to sign the Declaration required by the said recited Act, and in the Manner therein mentioned, a Copy of which Declaration, with the

Depositors to sign a Declaration, and a Copy thereof to be annexed to Deposit Book.

Penalty attached thereto if false, shall also be annexed to or printed at the Beginning of the Deposit Book.

Punishment of Actuary, &c. receiving Deposits and not paying over same to Managers, &c.

IV. And be it enacted, That if any Actuary, Cashier, Secretary, Officer, or other Person holding any Situation or Appointment in any Savings Bank, shall receive any Sum or Sums of Money from or on account of any Depositor or Person desirous of becoming such, or on account of such Institution, and shall not, at the next Day on which the said Institution is opened for the Receipt of Deposits, or in the Case of Local Receivers acting on behalf of any Savings Bank shall not within the Time specified in the Rules of the said Institution, account for and pay over the same to the Trustees or Managers thereof, or to such Person as may be directed by the Rules of the Institution, such Actuary, Cashier, Secretary, Officer, or Local Receiver, or other Person as aforesaid, on being convicted thereof, shall be guilty of a Misdemeanor.

Depositor to produce his Book at Institution.

V. And be it enacted, That Provision shall be made in the Rules of every Savings Bank that every Depositor therein shall once in every Year at least, cause his Deposit Book to be produced at the Office of the said Institution for the Purpose of being examined.

Limiting Responsibility of Trustees and Managers.

VI. And be it enacted, That no Trustee or Manager of any Savings Bank shall be liable to make good any Deficiency which may hereafter arise in the Funds of any Savings Bank, unless such Persons shall have respectively declared, by Writing under their Hands and deposited with the Commissioners for the Reduction of the National Debt, that they are willing so to be answerable; and it shall be lawful for each of such Persons, or for such Persons collectively, to limit his or their Responsibility to such Sum as shall be specified in any such Instrument: Provided always, that the Trustee and Manager of any such Institution shall be and is hereby declared to be personally responsible and liable for all Monies actually received by him on account of or to and for the Use of such Institution, and not paid over or disposed of in the Manner directed by the Rules of the said Institution; and an Abstract of the above Provisions shall be enrolled as one of the Rules of the Institution.

Trust Accounts.

VII. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four, when Deposits shall be made by a Trustee on behalf of another, the Sum shall be invested in the Name of such Trustee and the Name of the Person on whose Account such Sum shall be so deposited; and Repayment of the same or any Part thereof shall not be made by the Trustees or Managers of any Savings Bank without the Receipt and Receipts of the said Trustee and the Person on whose Account such Deposit may have been made, or the Survivor or Survivors, or the Executors or Administrators of such Survivor, whose Receipt and Receipts, either in Person or by Agent appointed by Power of Attorney, which Power of Attorney shall be valid if executed by an Infant of or exceeding the Age of Fourteen Years, shall alone be a good and valid Discharge to the said Trustees and Managers, except in case of the Insanity or Imbecility of the Party on whose Behalf the Deposit has been made, upon Proof of which to the Satisfaction of the said

Repayment of Trust Deposits.

said Trustees or Managers Repayment may be made to the said Trustee; and an Abstract of the above Provisions shall be enrolled as one of the Rules of the Institution: Provided always, that nothing herein contained shall extend or be construed to extend to interfere with any Trust Accounts opened before the passing of this Act.

VIII. And be it enacted, That from and after the Twentieth Day of *November* One thousand eight hundred and forty-four, so much of the Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Depositors in Savings Banks and others to purchase Government Annuities through the Medium of Savings Banks, and to amend an Act of the Ninth Year of His late Majesty to consolidate and amend the Laws relating to Savings Banks*, as provides that no Annuity or Annuities sold or granted to or possessed by any One Individual shall exceed in the whole the Sum of Twenty Pounds nor less than Four Pounds *per Annum*, shall be and the same is hereby repealed; and from and after the Twentieth Day of *November* One thousand eight hundred and forty-four, no Annuity or Annuities sold or granted to or possessed by any One Individual under the said recited Act or this Act shall exceed in the whole the Sum of Thirty Pounds nor less than Four Pounds *per Annum*: Provided also, that nothing in this or the said recited Act contained shall prevent such Annuity being sold or granted to or possessed by any married Man or Woman, although an Annuity to the same Amount or a less Amount may have been sold or granted to or possessed by the Wife or Husband of such Party.

IX. And be it enacted, That instead of the Sums allowed to be charged at the Time of purchasing an Annuity under this or the said recited Act, and the yearly Sum payable during the Continuance of the said Annuity, the said Trustees or Managers may at the Time of purchasing such Annuity charge any Sum not exceeding the following; (that is to say,) for every Annuity under Five Pounds the Sum of Five Shillings; Five Pounds and under Ten Pounds, the Sum of Ten Shillings; Ten Pounds and under Fifteen Pounds, the Sum of Fifteen Shillings; Fifteen Pounds and under Twenty Pounds, the Sum of One Pound; Twenty Pounds and under Twenty-five Pounds, the Sum of One Pound Five Shillings; Twenty-five Pounds and not exceeding Thirty Pounds, the Sum of One Pound Ten Shillings.

X. And be it enacted, That in case any Depositor in any Savings Bank shall die, leaving any Sum of Money in the said Institution belonging to him or her at the Time of his or her Death, not exceeding in the whole the Sum of Fifty Pounds, exclusive of Interest, and Probate of the Will of the deceased Depositor, or Letters of Administration of his or her Estate and Effects, is not produced to the Trustees or Managers of the said Institution, or if Notice in Writing of the Existence of a Will and Intention to prove the same or to take out Letters of Administration is not given to the said Trustees or Managers within the Period of One Month from the Death of the said Depositor, and in the latter Case unless such Will is proved or Letters of Administration taken out within the Period of Two Months from the

Annuities not to exceed 50*l*.

3 & 4 W. 4. c. 14.

Annuity may be granted to Husband and to Wife.

Amount payable on Purchase of Annuity.

Where Deposits and Interest do not exceed 50*l*. exclusive of Interest, if Will, &c. not proved within a Month, Money may be paid to Widow or to Party entitled to Effects of deceased.

the

the Death of the said Depositor, it shall be lawful for the said Trustees or Managers to pay and divide the same to or amongst any Person or Persons who shall appear to such Trustees or Managers to be the Widow, or entitled to the Effects of such deceased Depositor, according to the Statute of Distribution, or according to the Rules of the Institution, and the Payment of any such Sum of Money shall be valid and effectual with respect to any Demand of any other Person or Persons as next of Kin of such deceased Depositor, or as the lawful Representative of such Depositor, against the Funds of such Savings Bank, or against the Trustees and Managers thereof; but nevertheless such next of Kin or Representative shall have Remedy for Recovery of such Money so paid as aforesaid against the Person or Persons who shall have received the same.

Payment on Death of Depositor, being illegitimate, and dying intestate.

XI. And be it enacted, That if any Depositor, being illegitimate, shall die intestate, leaving any Person or Persons who but for the Illegitimacy of such Depositor and of such Person or Persons would be entitled to the Money due to such deceased Depositor, it shall be lawful for the Trustees or Managers, with the Authority in Writing of the Barrister appointed to certify the Rules of Savings Banks, to pay the Money due to such deceased Depositor to any One or more of the Persons as in their Opinion would have been entitled to the same, according to the Statute of Distributions, if the said Depositor and such Person or Persons had been legitimate.

Payment to married Women of Deposits made by them, when declared to be valid.

XII. ' And whereas Deposits in Savings Banks may have been made and may be made by married Women, and Deposits may have been made and may be made by Women who may have afterwards married; ' be it enacted, That it shall be lawful for the Trustees or Managers of any Savings Bank to pay any Sum of Money in respect of any such Deposit to any such Woman, unless the Husband of such Woman shall give to such Trustees or Managers Notice in Writing of such Marriage, and shall require Payment to be made to him.

Time for making out half-yearly Receipts and annual Statement.

XIII. And be it enacted, That the Time for making out and issuing the half-yearly Receipts for Interest to the several Savings Banks and Friendly Societies shall be extended to Sixty Days from and after the Twentieth of *May* and Twentieth of *November* respectively in each Year, and the Time for transmitting the annual Statement mentioned in the said recited Act shall be extended to Nine Weeks next after the Twentieth Day of *November* in each Year.

Settlement of Disputes.

XIV. And be it enacted, That if any Dispute shall arise between the Trustees and Managers of any Savings Bank and any individual Depositor therein, or any Executor, Administrator, next of Kin, or Creditor, or Assignee of Depositor, who may become bankrupt or insolvent, or any Person claiming to be such Executor, Administrator, next of Kin, Creditor, or Assignee, or to be entitled to any Money deposited in such Savings Bank, then and in every such Case the Matter in dispute shall be referred in Writing to the Barrister at Law appointed under the said recited Acts, who shall have Power to proceed *ex parte* on Notice in Writing to the said Trustees or Managers left or sent by the said Barrister to the Office of the said Institution: and
whatever

whatever Award, Order, or Determination shall be made by the said Barrister shall be binding and conclusive on all Parties, and shall be final to all Intents and Purposes without any Appeal; and no Submission to, or Award, Order, or Determination of the said Barrister shall be subject or liable to or charged with any Stamp Duty whatever.

XV. And be it enacted, That on any such Reference it shall be lawful for the said Barrister and he is hereby authorized to inspect any Book or Books belonging to the said Institution relating to the Matter in dispute, and to administer an Oath to any Witness appearing before him, or to take the Affirmation in Cases where Affirmation is allowed by Law instead of Oath; and if upon such Oath or Affirmation any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall be prosecuted and punished accordingly.

XVI. And be it enacted, That within One Month from the passing of this Act the Clerk of the Peace or Town Clerk with whom any Bond given as Security, pursuant to the Provisions of either of the said recited Acts, shall have been deposited shall transmit the same to the Commissioners for the Reduction of the National Debt, to be and remain in their Custody; and it shall be lawful for the said Commissioners on any Application and Receipt signed by not less than Two Trustees and Three Managers, in such Form as the said Commissioners shall direct, to deliver up to the Trustees of the Institution any Bond or Bonds which may have been or shall hereafter be given by way of Security on behalf of such Institution, for the Purpose of being cancelled.

XVII. And be it enacted, That every Treasurer, Actuary, or Cashier who shall be intrusted with the Receipt or Custody of any Sum of Money subscribed or deposited for the Purpose of such Institution, or any Interest or Dividend from Time to Time accruing therefrom, and every Officer or other Person receiving any Salary or Allowance for their Services from the Funds of any Savings Bank or Government Annuity Society (unless he shall have already given good and sufficient Security), shall give good and sufficient Security, to be approved of by not less than Two Trustees and Three Managers of such Savings Bank or Government Annuity Society, for the just and faithful Execution of such Office or Trust; and such Security when given by an Actuary or Cashier, or Officer or Person receiving any Salary or Allowance for his Services as aforesaid, shall be given by Bond or Bonds with One or more Sureties to the Comptroller General of the National Debt Office for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees or Managers for the Time being of such Institution to sue upon such Bond or Bonds in the Name of such Comptroller General for the Time being, and to carry on such Suit at the Costs and Charges and for the Use of the said Institution, fully indemnifying and saving harmless such Comptroller General from all Costs and Charges in respect of such Suit; and no Bond to be so given shall be subject to or charged or chargeable with any Stamp Duty whatever; and such Bond shall, when executed, be

On reference, Barrister may inspect Books and administer Oath to Witnesses.

Bonds given under 9 G. 4. c. 92. and 3 & 4 W. 4. c. 14. to be sent to Commissioners for Reduction of National Debt, and cancelled.

Treasurer and other Officers intrusted with Receipt or Custody of Money, &c. to give Security.

Security to be given by Bond to Comptroller General.

Trustees may sue upon Bond.

Bond not liable to Stamp Duty.

deposited

deposited with the Commissioners for the Reduction of the National Debt.

Repeal of Part of 9 G. 4. c. 92. as to Deposit of Rules with Clerk of Peace.

XVIII. And be it enacted, That so much of the said recited Act as requires that the Transcript of the Rules of a Savings Bank or Government Annuity Society shall be deposited with or filed by the Clerk of the Peace, and a Certificate thereof returned to the Institution, and that such Transcript shall be laid before the Justices at Sessions, shall be and the same is hereby repealed.

Two written or printed Copies of Rules, &c. to be submitted to Barrister for his Certificate.

XIX. And be it enacted, That Two written or printed Copies of all Rules or Alterations of Rules made in pursuance of the said recited Acts or this Act, signed by Two Trustees, with all convenient Speed after the same shall be made, altered, or amended, and so from Time to Time after every making, altering, or amending thereof, shall be submitted to the Barrister at Law appointed under the Provisions of the said recited Act, for the Purpose of ascertaining whether the said Rules or Alterations, or Amendments thereof, are in conformity to Law and with the Provisions of the said Acts relating to Savings Banks or Government Annuity Society; and that the said Barrister shall give a Certificate on each of the said written or printed Copies that the same are in conformity to Law and the Provisions of the said last-mentioned Acts, or point out in what Part or Parts the said Rules, Alterations, or Amendments are repugnant thereto; and that the Barrister for perusing the Rules or Alterations or Amendments of the Rules of such respective Savings Bank or Government Annuity Society, and giving such Certificate as aforesaid, shall demand no further Fee than specified in the said recited Act; and one of such written or printed Copies, when certified by the said Barrister, shall be returned to the Trustees of the said Institution, and the other of such Transcripts or printed Copies shall be transmitted by such Barrister to the Commissioners for the Reduction of the National Debt; and that all Rules, Alterations, and Amendments thereof, from the Time when the same shall have been certified by the said Barrister, shall be binding on the Trustees, Managers, and Officers of the said Institution, and the Depositors therein and their Representatives; and the Copy of such Rules deposited with the said Commissioners, or a true Copy thereof, 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 Her Majesty's Courts of Record.

Barrister to return one Copy to Institution, and transmit the other Copy to Commissioners.

Adaptation of Provisions of this Act to the Law of Scotland.

XX. And be it enacted, That where this Act provides for Payments made or to be made to any of the Relations of any deceased intestate Depositor according to the Statute of Distribution, the Provisions thereof shall be held to apply to Payments made or to be made to Persons appearing to be next of Kin according to the Law of Scotland; and that where this Act refers to Probate of the Will of the Deceased, or Letters of Administration of his or her Estate and Effects, the said Provisions shall be held to apply to Confirmation by the Law of Scotland.

Provisions of this Act to apply

XXI. And be it enacted, That all the Provisions of this Act, in as far as the same can or may be applicable, shall apply to the

Trustees

Trustees and Managers of any Government Annuity Society, and to Purchasers of Annuities. and to the Parties purchasing Annuities, and to the Rules and Regulations to be made for carrying the same into effect.

XXII. And be it enacted, That this Act shall extend to *Great Britain and Ireland, Berwick-upon-Tweed, and the Islands of Guernsey, Jersey, and Isle of Man.* Extent of Act.

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

C A P. LXXXIV.

An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood.

[9th August 1844.]

WHEREAS by the several Acts mentioned in Schedule (A.) to this Act annexed Provisions are made for regulating the Construction of Buildings in the Metropolis, and the Neighbourhood thereof, within certain Limits therein set forth; but forasmuch as Buildings have since been extended in nearly continuous Lines or Streets far beyond such Limits, so that they do not now include all the Places to which the Provisions of such Acts, according to the Purposes thereof, ought to apply, and moreover such Provisions require Alteration and Amendment, it is expedient to extend such Limits, and otherwise to amend such Acts: And forasmuch as in many Parts of the Metropolis and the Neighbourhood thereof the Drainage of the Houses is so imperfect as to endanger the Health of the Inhabitants, it is expedient to make Provision for facilitating and promoting the Improvement of such Drainage: And forasmuch as by reason of the Narrowness of Streets, Lanes, and Alleys, and the Want of a Thoroughfare in many Places, the due Ventilation of crowded Neighbourhoods is often impeded, and the Health of the Inhabitants thereby endangered, and from the close Contiguity of the opposite Houses the Risk of Accident by Fire is extended, it is expedient to make Provision with regard to the Streets and other Ways of the Metropolis for securing a sufficient Width thereof: And forasmuch as many Buildings and Parts of Buildings unfit for Dwellings are used for that Purpose, whereby Disease is engendered, fostered, and propagated, it is expedient to discourage and prohibit such Use thereof: And forasmuch as by the carrying on in populous Neighbourhoods of certain Works, in which Materials of an explosive or inflammable Kind are used, the Risk of Accidents arising from such Works is much increased, it is expedient to regulate not only the Construction of the Buildings in which such dangerous Works are carried on, but also to provide for the same being carried on in Buildings at safe Distances from other Buildings which are used either for Habitation or for Trade in populous Neighbourhoods: And forasmuch as by the carrying on of certain Works of a noisome Kind, or in which deleterious Materials are used, or deleterious Products are created, the Health and Comfort of the Inhabitants are extensively impaired and endangered, it is expedient to make Provision for the Adoption of all such Expedients as either have been

Extension Limits, and Amendment of Law.

Improvement of Drainage.

Securing a sufficient Width of Streets, &c.

Improper Use of Buildings.

Regulation of explosive Works.

Regulation of deleterious Works.

Execution of Act, and Superintendence thereof.

' been or shall be devised for carrying on such Businesses, so
' as to render them as little noisome or deleterious as possible to
' the Inhabitants of the Neighbourhood; and if there be no such
' Expedients, or if such Expedients be not available in a sufficient
' Degree, then for the carrying on of such noisome and
' unwholesome Businesses at safer Distances from other Buildings
' used for Habitation : And forasmuch as great Diversity of Practice
' has obtained among the Officers appointed in pursuance of
' the said Acts to superintend the Execution thereof in the several
' Districts to which such Acts apply, and the Means at present
' provided for determining the numerous Matters in question
' which constantly arise tend to promote such Diversity, to increase
' the Expence, and to retard the Operations of Persons engaged in
' building, it is expedient to make further Provision for regulating
' the Office of Surveyor of such several Districts, and to provide
' for the Appointment of Officers to superintend the Execution of
' this Act throughout all the Districts to which it is to apply, and
' also to determine sundry Matters in question incident thereto,
' as well as to exercise in certain Cases, and under certain Checks
' and Control, a Discretion in the Relaxation of the fixed Rules,
' where the strict Observance thereof is impracticable, or would
' defeat the Object of this Act, or would needlessly affect with
' Injury the Course and Operation of this Branch of Business :'
Now for all the several Purposes above mentioned, and for the
Purpose of consolidating the Provisions of the Law relating to
the Construction and the Use of Buildings in the Metropolis and
its Neighbourhood, be it enacted by the Queen's most Excellent
Majesty, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, That with regard to
this Act generally, so far as relates to the Operation thereof in
reference to Time, it shall come into operation at the following
Times; (that is to say,) as to the Districts and the Officers to be
appointed in pursuance hereof on the First Day of *September* next,
and as to the Buildings, Streets, and other Matters on the First
Day of *January* One thousand eight hundred and forty-five; and
that on the said First Day of *January* all the Acts mentioned in
the Schedule hereunto annexed, except so far as in the said Schedule
is provided, shall be and are hereby repealed.

General Provisions.

Operation of Act.

Statutes repealed.

Construction of Terms.

II. And be it declared, with regard to this Act generally, so far as relates to the Construction of certain Terms and Expressions used therein, That the following Terms and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context, or by the Nature of the Subject Matter; (that is to say,)

Street.

The Word "Street" to include every Square, Circus, Crescent, Street, Road, Place, Row, Mews, Lane, or Place along which Carriages can pass or are intended to pass, and that whether there be or be not, in addition to the Carriageway, a Footway, paved or otherwise :

Alley.

The Word "Alley" to include any Court, Alley, Passage, or other public Place which can be used as a Footway only :

Square.

The Word "Square," as applied to any Area of Building, to contain One hundred Superficial Feet :

- The Word "Floor" to mean the horizontal Platform forming the Base of any Story, and to include the Timber or Bricks or any other Substance constituting such Platform : Floor.
- The Word "Story" to include the full Thickness of such Floor, as well as the Space between the upper Surface of one Floor and the under Surface of the Floor next above it ; or if there be no Floor then the Space between the Surface of the Ground and the under Surface of the Floor next above it : Story.
- The Term "external Wall" to apply to every outer Wall of Buildings now built or hereafter to be built, which (excepting the Footing thereof on one Side) shall stand wholly upon Ground of the Owner of such Buildings, and shall not be used or intended to be used as a Party Wall under the Definition herein-after contained, whether the same shall adjoin or not to other outer or to Party Walls : External Wall.
- The Term "Party Wall" to apply to every Wall which shall be used, or be built in order to be used, as a Separation of Two or more Buildings with a view to the Occupation thereof by different Families, or which shall be actually occupied by different Families, and also every Wall which shall stand upon Ground not wholly belonging to the same Owner to a greater Extent than the Projection of its Footing on one Side : Party Wall.
- The Term "already built," used in reference to Buildings, to apply to Buildings built before the First Day of *January* One thousand eight hundred and forty-five, or commenced before that Day, and covered in and rendered fit for Use within Twelve Months thereafter ; and, used in reference to Streets and Alleys, to apply to all Streets or Alleys made or laid out before that Day, and which shall be formed and rendered fit for Use within Twelve Months thereafter : Already built.
- The Term "hereafter to be built," used in reference to Buildings, to apply to all Buildings to be built or commenced after the First Day of *January* One thousand eight hundred and forty-five, or which, being commenced, shall not be covered in within Twelve Months thereafter ; and, used in reference to Streets and Alleys, to apply to all Streets or Alleys not laid out before the said First Day of *January*, or which, being laid out, shall not be rendered fit for Use within Twelve Months thereafter : Hereafter to be built.
- The Word "Parish" to include all parochial Districts and extra-parochial Places in which separate Churchwardens, Overseers, or Constables are appointed ; and where Two Parishes have been united for Ecclesiastical Purposes, then to include such united Parishes : Parish.
- The Word "Owner" to apply generally to every Person in possession or receipt either of the whole or of any Part of the Rents or Profits of any Ground or Tenement, or in the Occupation of such Ground or Tenement, other than as a Tenant from Year to Year, or for any less Term, or a Tenant at Will : Owner.
- The Term "Official Referees" to mean the Persons appointed in pursuance of this Act to be Official Referees of Metropolitan Buildings : Official Referees.

- Surveyor.** The Word "Surveyor" to apply to all Surveyors to be appointed in pursuance of this Act, or whose Appointment is confirmed by this Act, and also to all Deputy or Assistant Surveyors to be appointed under this Act :
- The Surveyor.** The Words "the Surveyor," used without any Addition, to mean the Surveyor in whose District the Buildings, Street or Alley, or other Subject Matter shall be, or any Deputy or Assistant Surveyor duly acting in his Behalf :
- Month.** The Word "Month" to mean a Calendar Month :
- The Commissioners of Works and Buildings.** The Expression "the Commissioners of Works and Buildings" to mean the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings :
- Justice of the Peace.** The Expression "Justice of the Peace" to mean a Justice of the Peace for the County, Division, or Liberty within which the Building or other Subject Matter, or any Part thereof, is situate ; unless it be situate within the City of *London* or the Liberties thereof, in reference to which any Matter or Thing elsewhere required or authorized to be done, either by One or by Two or more Justices of the Peace, may be done, either by the Lord Mayor of the City of *London*, or by any One, Two, or more Justices of the Peace for the said City ; or unless the Subject Matter be situate in the District of any Police Court of the Metropolis, in reference to which any Matter or Thing elsewhere required or authorized to be done by Two or more Justices may be done by One Magistrate :
- Local Officers.** And, generally, whensoever the Name of an Officer having local Jurisdiction in respect of his Office is referred to, without mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer having Jurisdiction in that Place within which is situate the Building or other Subject Matter, or any Part thereof, to which such Reference applies :
- Singular and Plural.** And, subject as aforesaid to the Context and to the Nature of the Subject Matter, Words importing the Singular Number are to be understood to apply to a Plurality of Persons or Things, and Words importing the Masculine Gender are to be understood to apply to Persons of the Feminine Gender, and Words importing an Individual are to be understood to apply to a Corporation or Company, or other Body of Persons.
- Masculine and Feminine.**
- Corporate Body.**
- Extent of Operation of Act in reference to Localities.** III. And be it enacted, with regard to this Act generally, so far as relates to the Operation thereof in reference to *Localities*, That the Operation of this Act shall extend to all Places within the following Limits ; (that is to say,)
- To all such Places lying on the North Side or left Bank of the River *Thames* as are within the exterior Boundaries of the Parishes of *Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell* :
- And to such Part of the Parish of *Chelsea* as lies North of the said Parish of *Kensington* :
- And to all such Parts and Places lying on the South Side or right Bank of the said River as are within the exterior Boundaries

daries of the Parishes of *Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, and Wandsworth:*

General Provisions.

And to all Places lying within Two hundred Yards from the exterior Boundary of the District hereby defined, except the Eastern Part of the said Boundary which is bounded by the River *Lea*.

IV. 'And forasmuch as, partly by the rapid Increase of Population in the Neighbourhood of the Districts to which this Act is to apply, and partly by the Tendency of this Act to induce building Speculation in such Neighbourhoods in order to evade the Provisions thereof, the Evils which have arisen in the Districts not now subject to Regulation will in all Probability arise in such Neighbourhoods, it is expedient to make Provision for the Prevention of such Evils, and, if they should arise, for the Remedy thereof;' now for those Purposes be it enacted, with regard to this Act generally, so far as relates to the Application thereof to other Parts and Places in the Neighbourhood of the Districts appointed by this Act, whether such Districts immediately adjoin such Parts or Places or not, That if, from the growing Increase of the Population or otherwise, it shall appear to Her Majesty in Council to be expedient that the Provisions of this Act should be extended to any Place within Twelve Miles from *Charing Cross* in the City of *Westminster*, then it shall be lawful for Her Majesty in Council to direct, by Order in Council, that at or from a Time to be named in such Order the Provisions of this Act shall apply to such Places; and at or from such Time all such Provisions, of whatever Nature, whether penal or otherwise, so far as they shall be capable of Application to such Places, shall be and are hereby declared to apply thereto as if such Places were expressly named herein; and that Notice of the Time when it shall please Her Majesty to order any such Extension to be taken into consideration by Her Privy Council shall be published by Royal Proclamation in the *London Gazette* One Month at the least before such Extension shall be so taken into consideration; and that Three Weeks at the least before such Matter shall be so considered it shall be the Duty of the Official Referees, and the Overseers of the Parishes within which such Parts or Places are situate, to cause Copies of such Proclamation to be fixed on the Doors of the Churches and Chapels within such Parishes; and that every Order in Council made in pursuance of this Enactment shall be published in the *London Gazette*.

Power to extend the Limits of Act.

Publication of Notice of Intention to extend Limits of Act.

V. And now generally, for the Purpose of regulating the building and the rebuilding upon Sites of former Buildings, and the enlarging and altering of all Buildings of what Nature soever, within the Limits aforesaid, be it enacted, with regard to every such Building hereafter to be built, (except the Buildings comprised in Schedule (B.) hereto annexed, and except Sewers made by or under the Direction of any Commissioners of Sewers,) so far as relates to building the same, and with regard to every such Building either already or hereafter built, (except the said Buildings comprised in the said Schedule (B.), and except the said Sewers,) so far as relates to the rebuilding and the enlarging or altering the same, and that whether such Buildings be built or

Buildings, new and old.

Regulation of Buildings.

rebuilt on old or new Foundations, or partly on old and partly on new Foundations, That, notwithstanding any thing contained to the contrary in any Act of Parliament now in force, every such Building shall be built, rebuilt, enlarged, or altered in reference to the Walls, whether external or Party Walls, and to the Number and Height of the Stories or Rooms therein, and to the Chimneys, and to the Roofs, and to the Timbers, and to the Drains, and to the Projections, and to any other Parts or Appendages of every such Building, in the Manner and of the Materials, and in every other respect in conformity with the several Particulars, Rules, and Directions which are specified and set forth in the several Schedules (C.), (D.), (E.), (F.), (G.), (H.), (I.), (K.) to this Act annexed, according to the Classes of Buildings, and the Rates of such Classes to which such Buildings are by the Schedule (C.) declared to belong; subject nevertheless to any other Rules and Directions in this Act contained in the same Behalf; and subject in every Case of Doubt, Difference, or Dissatisfaction in respect thereof, either between any Parties concerned or between any Party concerned and the Surveyor of the District, to the Determination of the Official Referees, upon a Reference of the Matter in question, according to the Provisions of this Act in that Behalf.

Rates of Buildings, and Thicknesses of Walls and Footings, and Rules concerning Buildings.

Buildings under Supervision of Official Referees.

VI. And be it enacted, with regard to all Buildings of the First Rate of the Second or Warehouse Class, and to all Buildings of the Third or Public Building Class (except the Buildings herein-before excepted), so far as relates to the Supervision thereof, That, subject to the Provisions in Schedule (C.) and elsewhere in this Act made in respect thereof, every such Building shall be built under the special Supervision of the Official Referees, according to the Provisions of this Act in that Behalf, as well as under the ordinary Supervision of the Surveyor; and if any Difference arise as to whether any such Building be liable to such special Supervision, the same shall be determined by the Official Referees; subject nevertheless to an Appeal, at the Instance of any Party interested, to the Commissioners of Works and Buildings, whose Decision in the Matter shall be final.

Special Supervision of exempted Buildings.

VII. ' And whereas by several Acts now in force certain Buildings and Structures have been exempted from the Operation of the Act mentioned in the Schedule (A.) hereto annexed, for the Regulation of Buildings and Party Walls within the Cities of London and Westminster, and the Liberties thereof, and other the Parishes and Places therein mentioned; ' be it enacted, with regard to the Buildings herein-before exempted and comprised in Schedule (B.), so far as relates to the Supervision thereof, That, notwithstanding any thing contained to the contrary in any Act or Acts now in force, every such Building or other Structure mentioned in the said Schedule (B.) Part I. shall be subject to special Supervision by the Official Referees, according to the Provisions of this Act in that Behalf, and every such Building or other Structure mentioned in the said Schedule (B.) Part II. shall be exempt from Supervision.

Buildings not within Rates.

VIII. Provided always, and be it enacted, with regard to any Building of whatever Kind which is not hereby expressly assigned to any Class or Rate of a Class, so far as relates to the Application of this Act thereto, That if any Party be desirous of erecting any Building

Building which does not come within any one of the said Classes, or of any Rate of such Classes, then such Building shall be built in accordance with such Class and Rate as shall be directed by the Surveyor, subject, as in other Cases of Doubt, Difference, or Dissatisfaction, to an Appeal to the Official Referees.

*Buildings,
new and old.*

IX. Provided always, and be it enacted, with regard to any Building of whatever Class, so far as relates to the Modification of any written Contract or Agreement now in force for erecting or altering such Building (other than a Contract or Agreement in the Nature of a Building Lease), That it shall not be lawful to execute such Contract otherwise than in conformity with the Provisions of this Act; but it shall be lawful for either Party and he is hereby entitled to deviate from such Contract so far as any Part thereof may remain to be executed after this Act shall have come into operation; and the Alterations rendered necessary by this Act shall be performed as if this Act had been in force when such Contract was entered into; and that if the Parties thereto shall disagree about the Difference of the Costs and Expenses of the Works when performed according to the Provisions of this Act, and the Works as stipulated for in such Contract, then, upon Notice being given in Writing by one Party to the other, it shall be lawful for either Party and he is hereby entitled to refer the Matter to the Surveyor, who shall determine the same, subject to Appeal as aforesaid to the Official Referees; and the Award of such Official Referees shall be final and binding on all the Parties, and in all respects as if such Award had formed Part of the Contract; and the Costs of the Reference shall be borne by all or any or either of the Parties in such Manner and Proportion as the Surveyor, or in case of Appeal as the Official Referees, shall appoint.

Modification of
Building Con-
tracts.

Reference to
Surveyor, or on
Appeal to the
Official Refe-
rees.

X. Provided always, and be it enacted, with regard to any Building, of whatever Class, so far as relates to the Modification of any existing Lease or Agreement for a Lease, being of the Nature of a Building Lease, whereby any Person may be bound to erect Buildings, That, notwithstanding any thing herein contained, if it be made to appear to the Official Referees that any Rules by this Act prescribed will prevent the due Observance of or be at variance with any such Lease or Agreement, and that the Objects of this Act may be obtained by modifying such Rules, either entirely or partially, in conformity with such Lease or Agreement, then it shall be lawful for the said Official Referees by their Award to authorize such Modification, subject, nevertheless, to the Approbation of the Commissioners of Works and Buildings; and, subject to such Modification, or in default thereof, it shall be the Duty of such Person so bound to erect Buildings and he is hereby required to erect every Building agreed to be built by such Lease or Agreement according to the Conditions rendered necessary by this Act, in the same or like Manner as if this Act had been passed and in operation at the Time of making such Lease or Agreement; and that on the Completion of such Works, either according to the Provisions of this Act or according to such Modification aforesaid, and on giving to the Lessor and other Owners of such Building Fourteen Days Notice of his Intention to apply to the Official Referees on this

Modification of
Building
Leases.

Application to
Official Refe-
rees.

*Buildings,
new and old.*

Behalf, it shall be lawful for the Lessee or Tenant and he is hereby entitled to require the Official Referees to ascertain what Loss, present and prospective, has been occasioned by the Obervance of the Provisions of this Act, and, having regard to the respective Terms and Interests of the Lessee or Tenant, the Lessor, and other Owners of such Building, and having regard to any Profit, Benefit, or Advantage which may have accrued to such Lessee or Tenant since the Execution of such Lease or Agreement, and which may appear to the said Official Referees not to have been in the Contemplation of the Parties to such Lease or Agreement at the Time of such Execution thereof as aforesaid, to determine whether he is entitled to any and what Compensation, whether by Payment of Money or Reduction of Rent, or both, or otherwise; and that on the Receipt of such Requisition, and on Proof of due Notice thereof having been given to the Lessor and other Owners of such Building, it shall be the Duty of such Official Referees and they are hereby required to proceed to ascertain if any and what Loss has been so occasioned, and, having regard as aforesaid to such Terms and Interest as aforesaid, and to such Profit, Benefit, or Advantage as aforesaid, to determine if any and what Compensation as aforesaid is to be paid in respect thereof, and by whom the same is to be paid, and in what Proportions, and their Decision in the Matter shall be final.

Proceedings
thereon.

Commissioners
of Works and
Buildings em-
powered to
modify Rules
generally.
Report of Official Referees.

XI. And for the Purpose of preventing the express Provisions of this Act from hindering the Adoption of Improvements, and of providing for the Adoption of Expedients either better or equally well adapted to accomplish the Purposes thereof, be it enacted, with regard to every Building of whatever Class, so far as relates to the Modification of any Rules hereby prescribed, That if in the Opinion of the Official Referees the Rules by this Act imposed shall be inapplicable, or will defeat the Objects of this Act, and that by the Adoption of any Modification of such Rules such Objects will be attained either better or as effectually, it shall be the Duty of such Official Referees to report their Opinion thereon, stating the Grounds of such their Opinion to the Commissioners of Works and Buildings; and that if on the Investigation thereof it shall appear to the said Commissioners that such Opinion is well founded, then it shall be lawful for the said Commissioners or any Two of them to direct that such Modification may be made in such Rules as will in their Opinion give effect to the Purposes of this Act; and that although such Official Referees shall be of opinion that such Modifications are not requisite or admissible, yet if any Party interested present to the Official Referees a Representation, setting forth the Grounds whereon such Modification is claimed, it shall be the Duty of the Official Referees and they are hereby required to report such Representation, as well as their Opinion thereon, to the said Commissioners, with the Grounds of such their Report and Opinion; and that thereupon, if the said Commissioners think fit, it shall be lawful for them or any Two of them to direct the Official Referees to make such Order in the Matter as may appear to them to be requisite.

Extent of Mo-
dification.

Representation
by Parties.

Order there-
upon.

Power to
modify Provi-

XII. And be it enacted, with regard to Buildings already built, so far as relates to the rebuilding thereof in conformity with

with this Act in respect of the required Area, or in any other respect than the required Height and Thickness of Walls, That if a full Compliance with the Provisions of this Act be attended by great Loss and Inconvenience, then, subject to the Report of the Official Referees, and to the Consent of the Commissioners of Works and Buildings, and to such Terms as the said Commissioners may impose in that Behalf, it shall be lawful for the Parties concerned to rebuild such Buildings on the Site of the old Buildings as near as may be practicable, but so that nevertheless both the Party Walls and the external Walls be of the required Height and Thickness.

XIII. And be it enacted, with regard to the Works to be executed in pursuance of this Act, so far as relates to the Supervision thereof by the Surveyors, That Two Days before the following Acts or Events, that is to say,—

Before any Building shall be begun to be built; and also

Before any Addition or Alteration, which by this Act is placed under the Supervision of the Surveyor, shall be made to any Building; and also

Before any Party Wall, external Wall, Chimney Stack, or Flues shall be begun to be built, pulled down, rebuilt, cut into, or altered; and also

Before any Opening shall be made in any Party Wall; and also

Before any other Matter or Thing shall be done which by this Act is placed under the Supervision of the Surveyor, except as herein-after is provided;

It shall be the Duty of the Builder (by which Term is to be understood, both in this Provision and elsewhere throughout this Act, the Master Builder or other Person employed to execute any Work, or if there be no Master Builder or other Person so employed, then the Owner of the Building or other Person for whom or by whose Order such Work is to be done,) and he is hereby required to give to the Surveyor, at his Office, Notice in the Terms specified in the Form (No. 1.) contained in the Schedule of Notices annexed to this Act, or to the like Effect; and that if any Builder neglect to give such Notice, or begin to build, or do any of the Things aforesaid, before such Notice, or before the Expiration of such Period of Two Days, then in every such Case the Party offending shall for every such Default forfeit and pay to such Surveyor treble the Amount of the Fees which such Surveyor would have been entitled to receive for his Trouble in inspecting the same, and shall also forfeit for every such Default a Sum not exceeding Twenty Pounds; and that if for any Period exceeding Three Months any Builder, having duly begun any Building requiring Compliance with the Provisions of this Act, suspend the Progress of such Building, and again go on with the same, or if during the Progress thereof the Builder be changed, then, Two Days before such Builder shall enter upon the Performance of the Work, it shall be the Duty of such Builder to give Notice to the Surveyor, and such Notices must be in the Terms specified in the Forms (Nos. 2. and 3.) contained in the Schedule of Notices annexed to this Act, or to the like Effect, and must be given to the Surveyor, or left at the Surveyor's Office, in like Manner as is required upon beginning any new Building, and that if any Builder make default or neglect

sions of this Act as to existing Buildings to be rebuilt.

Builders.

Works to be executed.

Notice to Surveyors.

20l. Penalty for Neglect to give Notice, &c.

20l. Penalty for not giving fresh Notices.

Penalty for beginning without Notice, or Refusal to admit Surveyor.

Emergency.

Buildings generally.

Supervision of Works.

Notice of Irregularities to Builders and others.

To cut into Works.

Amendment of Works.

Proceeding thereon by Official Referees.

Costs.

neglect to give or leave such Notice he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if any such Building, Chimney, or Wall be begun to be built, pulled down, rebuilt, cut into, or altered as aforesaid, or be proceeded with after any Suspension of the Progress thereof before such Notice has been given, or if such Surveyor or the Official Referees be refused Admittance to inspect the same Premises, then such Building or Work shall be liable to be abated as a Nuisance under the Provisions herein contained: Provided always, that if by reason of any Emergency any Act, Matter, or Thing placed under the Supervision of the Surveyor be required to be done immediately, or before Notice can be given to the Surveyor, then it shall be lawful for the Builder or any Person to do such Act, Matter, or Thing so requisite, but upon this Condition, that within Forty-eight Hours after beginning to execute such Work Notice thereof be given to the Surveyor.

XIV. And be it enacted, with regard to such Buildings and Works, so far as relates to the Supervision thereof, That if in building, pulling down, rebuilding, cutting into or altering any Part of any Building, or Party Wall or external Wall, or Chimney Stack or Flue, Drains, Cesspools, or any Work or other Thing be done contrary to or not conformably with the Rules and Directions of this Act, then forthwith it shall be the Duty of the Surveyor and he is hereby required to give Forty-eight Hours Notice, according to the Form (No. 4.) in the Schedule of Notices, or to the like Effect, to the Builder, Foreman, or principal Workman on the Premises, to amend any such Irregularity which he shall deem to have been committed, and forthwith after the Expiration of such Notice to proceed to inspect the Work; and that if the Work be so far advanced that he cannot ascertain whether the Irregularity has been committed or not, or exists or not, then it shall be lawful for him and he is hereby empowered to order any Work to be cut into, laid open, or pulled down, which shall in his Opinion prevent his ascertaining whether any such Irregularity exists or not; and that if within Forty-eight Hours the Builder to whom any such Notice shall have been given refuse or fail to amend any irregular Work, or if any such Builder, when ordered by the Surveyor, refuse to cut into, lay open, or pull down any Work which shall in his Opinion prevent his ascertaining whether such irregular Work exists or not, then, as soon as conveniently shall be, it shall be the Duty of the Surveyor to give Information thereof to the Official Referees; and that upon the Receipt of such Information it shall be the Duty of such Official Referees and they are hereby required to proceed to hear the Matter, and if any Breach of the Rules, Regulations, and Directions of this Act be found to have been committed, or if there appear good Reason to suppose any such Breach has been committed and is concealed, then it shall be lawful for the Official Referees and they are hereby authorized to direct by their Award that such Building, Party Wall, external Wall, Chimney Stack, Flue, or other Thing, or such Part thereof as they shall deem necessary, shall be amended, removed, cut into, laid open, or pulled down; and that all the Costs, Charges, and Expences of the said Work, and of the said Application to the Official Referees, shall be

be borne by such Party or Parties as the Official Referees shall determine.

XV. And now, for the Purpose of making Provision for the Supervision of Buildings of the First Rate of the Second or Warehouse Class, and of all Buildings of the Third or Public Building Class (except the Buildings herein-before excepted), be it enacted, with regard to every such Building, so far as relates to the special Supervision thereof, That when all the Walls of any such Building shall have been built to their full Height, and all the Timbers of the Floors, Roofs, and Partitions shall have been fixed, it shall be the Duty of the Architect or Builder and he is hereby required to give Notice thereof to the Official Referees, according to the Form (No. 6.) in the Schedule of Notices, or to the like Effect; and if the Official Referees be of opinion that such Building is subject to the special Supervision herein provided, then within Seven Days after such Notice it shall be their Duty to survey the said Building; and that if they approve of the same, then within Seven Days after such Survey to certify such Approval, under their Hands, to the Architect or Builder; or that if any Part of the Walls, Timbers, Roof, or internal Supports appear to such Official Referees defective, insufficient, or insecure, then within the said Seven Days after such Survey they are hereby required to give to such Architect or Builder Notice of such Parts as shall so appear to them defective, insufficient, or insecure, which Notice must be in Writing; and that upon the Receipt of such Notice it shall be the Duty of the said Architect or Builder and he is hereby required to amend and strengthen such defective, insufficient, or insecure Parts; and that during or within a Period of Seven Days after Notice has been given to the Official Referees that such Works have been amended or strengthened as aforesaid, it shall be the Duty of the Official Referees and they are hereby required to inspect the same, or in default thereof the said Parts may be covered up; and that upon Completion of every such Building it shall be the Duty of the Architect or Builder to give fresh Notice to the Official Referees, according to the Form (No. 7.) in the Schedule of Notices, or to the like Effect; and that thereupon, or within Seven Days after such Notice, it shall be the Duty of the Official Referees to survey the same; and that if upon such Survey it shall appear that such Building has been built sufficiently strong, and is sufficiently set to be safe, then within Fourteen Days after such Survey it shall be their Duty and they are hereby required to certify accordingly, which Certificate must be under their Hands and the Seal of Office of Registrar of Metropolitan Buildings; and that, until such Certificate shall have been made, or until Fourteen Days after such Survey shall have elapsed without the Official Referees having given Notice in Writing that they are not satisfied, it shall not be lawful to use such Building for any Purpose whatever without the express Authority in Writing of the Official Referees under their Hands and the Seal of Office of the Registrar of Metropolitan Buildings; and that if before the Certificate of Satisfaction shall have been made, or if such further Fourteen Days as aforesaid shall have elapsed without due Notice being given in Writing as aforesaid, any such Building subject to special Supervision shall be used for any Purpose without such express

Special Super-
vision of First
Rate Buildings
of Second and
Third Class.

Notice to Offi-
cial Referees.

Survey.

Approval.

Disapproval.

Amendment
of Defects.

Notice of Com-
pletion.

New Survey.

Certificate.

Prohibition
of Use.

Penalty.

Buildings generally.

Justices to consider Circumstances.

Special Supervision of Buildings in Schedule (B.) Part I.

Survey by Official Referees.

Occasional Inspection.

Notice of Deficiencies.

Amendment of Defects.

Approval by Official Referees.

Notice of Completion.
New Survey.

Certificate.

Prohibition of Use.

Penalty.

Authority in Writing, then, on Conviction thereof before Two Justices of the Peace, the Occupier of such Building, or other the Person by whom such Building shall be so used, shall forfeit for such Offence a Sum not exceeding Two hundred Pounds for every Day during which such Building shall be so used without having obtained such Certificate of Satisfaction, or such express Authority as aforesaid; and that, in determining the Amount of any such Penalty, it shall be the Duty of the Justices and they are hereby directed to have regard to the Size and Character of the Building, and to the Nature and Extent of Danger involved in the Use of such Building, and to the Amount of Profit which might be derived from such Use thereof.

XVI. And be it enacted, with regard to the Buildings comprised in Schedule (B.) Part I. to this Act annexed, so far as relates to the Supervision thereof, That before the Builder begin to build the same it shall be the Duty of the Architect or the Builder and he is hereby required to give Notice thereof to the Official Referees, and also, at the same Time, to transmit for their Inspection the Plans, Elevations, and other Drawings which have been made for the same; and that forthwith thereupon it shall be the Duty of the Official Referees and they are hereby required to proceed to survey the Situation of the intended Building with a view to ascertain whether such Building can be erected on such Situation with due Regard to the Security of the Public; and that, from Time to Time during the Progress of such Building, it shall be the Duty of such Official Referees and they are hereby directed to inspect the same with a view to ascertain the Sufficiency thereof; and that if such Building or any Part thereof appear to such Official Referees defective, insufficient, or insecure, then they are hereby required to give to such Architect or Builder Notice of such Parts as shall so appear to them defective, insufficient, or insecure, which Notice must be in Writing; and that upon the Receipt of such Notice it shall be the Duty of the said Architect or Builder and he is hereby required to amend and strengthen such defective, insufficient, or insecure Parts; and that during or within a Period of Seven Days after Notice has been given to the Official Referees that such Works have been amended or strengthened as aforesaid, it shall be the Duty of the Official Referees and they are hereby required to inspect the same, or in default thereof the said Parts may be covered up; and that upon Completion of every such Building it shall be the Duty of the Architect or Builder to give fresh Notice to the Official Referees; and that thereupon, or within Seven Days after such Notice, it shall be the Duty of the Official Referees to survey the same; and that if upon such Survey it shall appear that such Building has been built sufficiently strong, then it shall be their Duty to certify accordingly, which Certificate must be under their Hands and the Seal of Office of Registrar of Metropolitan Buildings; and that until such Certificate shall have been made, or until Fourteen Days after such Survey shall have elapsed without the Official Referees having given Notice in Writing that they are not satisfied, it shall not be lawful to use such Building for any Purpose whatever without the express Authority in Writing of the Official Referees under their Hands and the Seal of Office of the Registrar of Metropolitan Buildings; and that if

before

before the Certificate of Satisfaction shall have been made, or if such Fourteen Days as aforesaid shall have elapsed without due Notice in Writing being given as aforesaid, any such Building subject to special Supervision shall be used for any Purpose without such express Authority in Writing, then, on Conviction thereof before Two Justices of the Peace, the Occupier of such Building, or other the Person by whom such Building shall be so used, shall forfeit for such Offence a Sum not exceeding One hundred Pounds for every Day during which such Building shall be so used without having obtained such Certificate of Satisfaction, or such express Authority as aforesaid; and that, in determining the Amount of any such Penalty, it shall be the Duty of the Justices and they are hereby directed to have regard to the Nature and Extent of Danger involved in the Use of such Building, and to the Amount of Profit which might be derived from such Use thereof.

Buildings generally.

Justices to consider Circumstances.

XVII. And be it enacted, with regard to Buildings and Works, so far as relates to the Entry thereon for the Supervision thereof, That at all Times during the Progress of any Operations in respect thereof within the Meaning of this Act, it shall be lawful for the Surveyor and for the Official Referees, and they are hereby respectively authorized, to enter upon the Premises upon which such Operations have been commenced; and that if at any Time whilst any Building is in course of Construction, Demolition, Alteration, or Re-construction any Person refuse to admit the Surveyor, or the Official Referees authorized under this Act, during the customary working Hours, to inspect such Building, or any Person refuse or neglect to afford such Surveyor or Official Referee every Assistance which may be reasonably required in and about such Inspection, then in every such Case on Conviction thereof the Party offending shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if at any Time during such customary working Hours the Surveyor or the Official Referees be refused Admittance to make Inspection of any Work, then for that Purpose it shall be lawful for such Surveyor or for such Official Referees, and they are hereby empowered, accompanied by a Peace Officer, to enter upon the Ground, Building, and Premises where the same shall be.

Entry on Premises.

Refusal to permit Inspection.

Forcible Entry.

XVIII. And for the Purpose of more effectually enforcing the Observance of the Provisions of this Act, be it enacted, with regard to any Buildings, Drains, Timber Buildings, Chimneys and Flues, Party Walls, Party Fence Walls, external Walls and Projections, and every other Part of every Building of every Class, or Rate of any Class, which shall be hereafter built, rebuilt, enlarged, or altered, within the Limits of this Act, contrary to the Provisions hereof, so far as relates to the Removal thereof, That if the same be not built, rebuilt, enlarged, or altered in the Manner and of the Materials, and in every other respect according to and in conformity with the several Rules and Directions which are in this Act particularly specified, and if any Person build or begin to build, or cause the building or beginning to build, or alter or cause to be altered, or use or cause to be used, any Part of any Ground or Building, Projection, Drain, or other Thing contrary thereunto, and if in either of such Cases it so appear by the Certificate of the Official Referees, then the said Building, Pro-
jection,

All Buildings not according to this Act declared a Nuisance.

Buildings generally.

Summons before Justices.

Compulsory Appearance.

Recognizances to pull down and amend.

Imprisonment.

Removal of Buildings declared Nuisances.

Expences.

Fifty Shillings Penalty on Workmen offending.

jection, Drain, or other Thing, or such Part thereof so irregularly built or begun to be built, or so irregularly altered or begun to be altered or so used, shall be deemed a Nuisance; and that thereupon it shall be the Duty of the Surveyor and he is hereby directed to summon the Builder before any Two Justices of the Peace; and that if at the Time and Place appointed on such Summons such Builder fail to appear, then it shall be lawful for the said Justices and they are hereby authorized to issue a Warrant under their Hands and Seals to compel such Builder to appear before such Justices or any other Two Justices; and that thereupon it shall be the Duty of such Builder and he is hereby required to enter into a Recognizance, in such Sum as the said Justices shall appoint, for abating and taking down the same within such convenient Time as the said Justices shall respectively appoint, or otherwise for amending the same according to such Rules and Directions as are herein contained, and also for paying the Costs, Charges, and Expences incurred by the Surveyor in laying the Information and obtaining the Conviction, including such Compensation for the Surveyor's Loss of Time as the said Justices shall think fit; and that if the Party so required fail to enter into such Recognizance, then it shall be lawful for either of such Justices or any Justice, and they are hereby required, to commit such Builder to the Common Gaol of the City, County, or Liberty where the Offence shall be committed, there to remain without Bail or Mainprize until he shall have entered into such Recognizance as aforesaid, or until such irregular Building shall have been abated or demolished or otherwise amended, or such Nuisance shall be abated or demolished by Order of such Justices respectively (which Order the said Justices are hereby empowered to make), and until the Costs, Charges, and Expences thereof, and of all Operations and Proceedings in relation thereto, shall have been paid; and further, that if Application be made to any Two or more Justices, then thereupon it shall be their Duty, and they are hereby empowered, to order the Surveyor or any other Person to abate or demolish such Nuisance, and to order the Persons authorized by them so to abate or demolish the same to sell and dispose of the Materials thereof, and out of the Moneys arising by such Sale to pay to themselves, and all Persons by them employed for such Purpose, the reasonable Charges for abating or demolishing such Nuisance, and also such Costs and Expences as aforesaid, and to pay the surplus Moneys arising by such Sale (if any) to such Owner of the Building as the Official Referees shall determine to be entitled thereto; and that if the Moneys arising by such Sale be not sufficient to pay such Charges, then it shall be the Duty of the Person entitled to the immediate Possession of such Building, or the Occupier, to make good the Deficiency, subject to Reimbursement as herein-after provided; and if he fail, then he shall be liable to the same Remedies for the Recovery thereof as are by this Act provided concerning the Expence of taking down ruinous Buildings, and putting up Hoards for the Safety of Passengers.

XIX. And be it enacted, with regard to any Building or Work, so far as relates to the Nonobservance of the Provisions of this Act in that Behalf by Workmen and others, That if any Workman.

man, Labourer, Servant, or other Person employed in any Building, or in the Alteration, fitting up, or Decoration of any Building, wilfully, and without the Direction, Privity, or Consent of the Person causing such Work to be done, do any thing in or about such Building contrary to the Rules and Directions of this Act, then upon Conviction thereof before any Two Justices of the Peace, upon the Oath of One or more credible Witness or Witnesses (which Oath the said Justices are hereby empowered and required to administer), every such Offender shall be liable to forfeit for every such Offence a Sum not exceeding Fifty Shillings; and that if upon or immediately after such Conviction any such Forfeiture be not paid, then it shall be the Duty of any Two Justices of the Peace to whom Application shall be made to commit the Offenders, by Warrant under the Hand and Seal of such Justices, to the Common Gaol for any Term not exceeding One Month, at the Discretion of such Justices.

XX. And forasmuch as from Time to Time Occasion hath arisen and will hereafter arise to execute the following Works in relation to adjoining Buildings and Premises parted by the same Party Wall or Party Fence Wall, but belonging to different Owners or occupied by different Persons, or to Buildings intermixed belonging to different Owners or occupied by different Persons; namely,

The Reparation of the Party Walls by which such Premises shall be parted :

The pulling down and rebuilding of such Party Walls :

The raising of such Party Walls :

The Reparation of Party Fence Walls :

The rebuilding of such Party Fence Walls :

The raising of such Party Fence Walls :

The pulling down of Timber Partitions which part Buildings the Property of different Owners or occupied by different Persons, and building in lieu thereof proper Party Walls :

The pulling down of Buildings built over public Ways, or having Rooms or Stories the Property of different Persons, or occupied by different Persons, lying intermixed, for the Purpose of building proper Party Walls or Party Arches :

And generally the Performance of other necessary Works incident to the Connexion of such Party Walls or Party Fence Walls with the Premises adjoining; it is expedient to make Provision, as well for facilitating the Execution of such Works by any such Owner desirous to execute the same (who is herein denominated the "Building Owner"), as for protecting the Interests of the Owner of the adjoining Premises (who is herein denominated the "adjoining Owner"); now for that Purpose be it enacted, with regard to all Premises parted by a Party Wall or Party Fence Wall, or parted by Timber Partitions, and with regard to all intermixed Properties not so parted, so far as relates to the Execution of any such Works by any Owner of any such Premises, That if the adjoining Owner shall have consented thereto, or if, without such Consent, the required Notice of such Work shall have been given by or on the Part of the Building Owner to such adjoining Owner, then, subject to such Modification as shall be made

Buildings generally.

Imprisonment.

Adjoining Properties.

*Party Walls.
Party Fences.
Intermixed Buildings.*

Execution of Works.

*Party Walls.
Party Fences.
Intermixed
Buildings.*

made by virtue of the Provision in that Behalf, and subject to the Provision for supplying the Want of Consent of the Owners, and subject moreover to the respective Conditions hereby prescribed with regard to such Works respectively, as well as to the Payment of the Costs of such Works, and to the Sanction or to the Award of the Surveyors or of the Official Referees, as hereby prescribed in reference thereto, it shall be lawful for every such Building Owner and he is hereby authorized or required to execute such Works.

Consent of or
Notice to
adjoining
Owner.

XXI. And be it enacted, with regard to such Works, so far as relates to the Notice thereof, That, unless the adjoining Owner consent thereto, it shall not be lawful for the "Building Owner" to execute such Works until he have given Notice thereof to such "adjoining Owner"; and every such Notice with regard to the pulling down, rebuilding, or repairing of Party Walls or Party Fence Walls must be given Three Months at the least before the Work is to be commenced; and every such Notice with regard to the pulling down and rebuilding intermixed Walls and Timber Partitions must be given Three Months at the least before such Work is to be commenced; and every such Notice must be in the Form or to the Effect of the Notice (No. 8.) for that Purpose contained in the Schedule of Notices hereunto annexed.

Modification
of Work to
suit adjoining
Owner.

XXII. And be it enacted, with regard to every such Work, so far as relates to the Modification thereof, in order to render it suitable to the Premises of the adjoining Owner or his Tenant, That if the adjoining Owner, at any Time within Two Months after the Receipt of the said Notice from the Building Owner, give Notice of his Desire that any Modification be made in the Work, so as to render it suitable to his Premises, according to the Form (No. 18.) in the Schedule of Notices, or to the like Effect, then within Seven Days after the Receipt of such Notice it shall be the Duty of the Building Owner, and he is hereby required, to signify his Consent to or Dissent from such Modification or Delay; and that if the Building Owner dissent from, or do not within such Seven Days signify his Consent to such Modification, then it shall be lawful for the adjoining Owner and he is hereby entitled to require the Building Owner not to commence the Work until the Official Referees shall have determined thereon; and that if within Seven Days thereafter Application be made in Writing to the Official Referees, according to the Form (No. 19.) in the Schedule of Notices, or to the like Effect, and Notice thereof be given to the Building Owner, according to the other Form. (No. 20.), then within Ten Days after such Application it shall be the Duty of the Official Referees to signify their Decision thereon, and it shall be the Duty of the Building Owner not to commence the Work till the Decision of such Official Referees shall have been given; and that if within the Period of Three Months from the Date of the First Notice such adjoining Owner do not make any Objection or any Requisition in conformity with this Enactment, then, subject to the Provisions of this Act with regard to such Works, it shall be lawful for the Building Owner and he is hereby authorized to proceed to execute the same.

Modification
of Operations.

Application
to Official Re-
ferees.

Authority to
build.

XXIII. And

XXIII. And be it enacted, with regard to every such Work, so far as relates to the Modification thereof, in order to render it suitable to the Premises, or to the Convenience of the adjoining Owner or his Tenant, That if the adjoining Owner, at any Time within Three Months after the Receipt of the said Notice from the Building Owner, give Notice of his Desire that the Work be delayed, so as to cause it to be executed at a more seasonable or a more convenient Time in reference to the Business or to the Family or domestic Arrangements of such adjoining Owner or his Tenants, according to the Form (No. 18.) in the Schedule of Notices, or to the like Effect, then within Seven Days after the Receipt of the Notice thereof it shall be the Duty of the Building Owner and he is hereby required to signify his Consent to or Dissent from such Modification or Delay; and that if the Building Owner do not within such Seven Days signify his Consent to such Modification or Delay, then it shall be lawful for the adjoining Owner and he is hereby entitled to require the Building Owner to delay the Work until the Official Referees shall have determined thereon; and that if within Seven Days thereafter Application be made in Writing to the Official Referees, according to the Form (No. 19.) in the Schedule of Notices, or to the like Effect, and Notice thereof be given to the Building Owner, according to the other Form (No. 20.), then within Ten Days after such Application it shall be the Duty of the Official Referees to signify their Decision thereon, and it shall be the Duty of the Building Owner to delay the same till the Decision of such Official Referees shall have been given; and that if within the Period of Three Months from the Date of the first Notice such adjoining Owner do not make any Objection or any Requisition in conformity with this Enactment, then subject to the Provisions of this Act with regard to such Works, it shall be lawful for the Building Owner and he is hereby authorized to proceed to execute the same.

Delay of Work
to suit adjoining
Owner.

Delay of
Operations.

Application to
Official Re-
ferees.

Authority to
build.

XXIV. And be it enacted, with regard to any such Works hereby authorized to be done in relation to Party Walls, Party Arches, Party Fence Walls, or other such Structures belonging to the Owners of adjoining Buildings or parting adjoining Premises, so far as relates to supplying the Want of Consent of the adjoining Owners, That if the adjoining Premises be unoccupied, or if the Owner thereof cannot be found, or if the Owner although found cannot, by reason of legal Disability or otherwise, consent to the Work, or if the Owner will not consent thereto, or if Differences, arise amongst the Parties concerned, then the Notice required to be given in respect of such Work must be served both on the Surveyor and on the Official Referees, in addition to such other Parties entitled to Notice under this Act upon whom such Notice can be served, which must be according to the Form (No. 9.) in the Schedule of Notices, or to the like Effect; and that forthwith on the Receipt of such Notice it shall be the Duty of the Surveyor and he is hereby required to give Notice to the Parties by whom such Work is to be executed, and to any One or more Surveyors or other Agents by them appointed, as to the Day and Hour when he will view the Premises, according to the Form (No. 10.) in the Schedule of Notices, or to the like Effect; and at such Time it shall be the Duty of the Surveyor of the District and he is hereby authorized

Supplying
Want of Con-
sent of adjoining
Owners.

Notice of
Inspection by
Surveyor.

*Party Walls.
Party Fences.
Intermixed
Buildings.*

authorized to proceed to inspect such Premises accordingly, and to certify to the Official Referees,

First, Whether such Work ought to be done or not; and
Secondly, If the same ought to be done, whether it ought to be done in the proposed Manner; and

Thirdly, The Site whereon the Party Wall should be built; and, with regard to intermixed Buildings, what Party Arches may be necessary over or under any Rooms of such Buildings so intended to be rebuilt; and

Fourthly, The Quantity of the Soil or Ground or other Parts of the Premises (if any) necessary to be laid to or taken from the House of the Person desirous to rebuild to the House of the Person permitting him to erect a Party Wall or Party Arch; and

Fifthly, The Compensation (if any) which should be made and paid by either the Building Owner or the adjoining Owner to the other in lieu of the lessening either of the said Buildings by such Party Wall or Party Arch, or as a Satisfaction for such other Injury (if any) as shall be done or occasioned thereby to any of the said Parties;

Notice to Parties.

And that upon the Receipt of such Certificate it shall be the Duty of the Official Referees, and they are hereby required, to cause Notice thereof to be given to the Parties or to such of them as are known; and that if within Seven Days after such Notice to the Parties the Certificate be not appealed against, and if the Official Referees be of opinion that the Work is proper to be done.

Confirmation by Official Referees.

and the Compensation is fair, then it shall be lawful for the Official Referees to confirm such Certificate, and to authorize the Building Owner to proceed with the Works as if the Consent of

Proceedings on Appeal against Certificate.

the adjoining Owner had been obtained; and that if any Party concerned shall appeal against the Certificate of the Surveyor as to

Notice by Official Referees.

the Work to be done, or as to the Compensation, or as to any other Matter referred to in such Certificate in pursuance of the above Provisions, then it shall be the Duty of the Official Referees, and they are hereby required, to appoint One of their Number to

Survey.

survey the Building in question; and that for that Purpose it shall be the Duty of the Official Referee so appointed, and he is hereby

Award.

required, to give Notice to the Parties, and to any One or more Surveyors or other Agents by them appointed, as to the Time

when he will view the Premises; and that at such Time it shall be the Duty of such Referee and he is hereby authorized to

view such Premises accordingly, and to inquire into the Matters appealed against, and to certify to the Official Referees his Opinion

thereon; and that upon such Certificate being made it shall be lawful for the Official Referees to make their Award, thereby

either confirming or reversing or modifying, as to them the Case may seem to require, the Certificate of the Surveyor, and appointing

by whom and in what Proportions the Expences of the Surveys and of the Reports thereon are to be paid, and such Award shall

be final and conclusive; and with regard to any Works by such Award authorized, so far as relates to the Proceedings of the

Building Owner, that if upon the making of the Award the Periods of the Notices by this Act prescribed with regard to Works of

that Nature have elapsed, then immediately upon the making of

Works authorized.

the Award, but if such Periods have not elapsed then as soon after the making of the Award as such Periods shall have elapsed, it shall be lawful for the Building Owner, his Agents, Servants, and Workmen, to proceed to execute the Works.

*Party Walls.
Party Fences.
Intermixed
Buildings.*

XXV. And be it enacted, with regard to any Party Wall, Party Arch, or external Wall used wholly or in part as a Party Fence Wall, so far as relates to the Reparation and rebuilding thereof at the joint Expence of the Owners of the Buildings parted thereby, That if such Party Structure be so defective or so far out of repair as to render it necessary to pull down and rebuild the same or any Part thereof, then on Notice being given by the Owner of one of the Buildings to the adjoining Owner, according to the Form (No. 8.) in the Schedule of Notices, or to the like Effect, it shall be lawful for the Building Owner to require a Survey, Certificate, and Award, authorizing the Execution of such Reparation or rebuilding, according to the Provisions hereinbefore contained in that Behalf.

Reparation and
rebuilding at
joint Expence.

XXVI. And be it enacted, with regard to sound Party Walls, so far as relates to the rebuilding thereof at the Expence of the Building Owner, That if the Owner of one of the Buildings desire to rebuild such Party Wall, then, on giving to the adjoining Owner the required Notice of Three Months, according to the Form (No. 14.) in the Schedule of Notices, or to the like Effect, it shall be lawful for such Building Owner and he is hereby entitled to pull down and rebuild such Party Wall, but upon condition that he do reinstate and make good all the internal Finishings and Decorations of the adjoining Premises, and pay all the Costs and Charges thereof, and also all the Expences incidental to the Execution of the Work, including therein the Fees and Expences of the Survey, and the Fees of the Surveyors, and any Fees in respect of any Services performed by the Official Referees, and also such reasonable Compensation as to the said Official Referees may seem proper for any Loss which the adjoining Owner shall have incurred by reason of such Work.

Rebuilding of
Party Walls.

XXVII. And be it enacted, with regard to any Party Wall, so far as the rebuilding thereof, That if the Owner of one of the Buildings parted by such Party Wall rebuild such Building of a higher Rate, and do not pull down such Party Wall and build a proper Wall in lieu thereof, then it shall be his Duty and he is hereby required to build up an external Wall against such Party Wall.

Building of
an external
Wall against a
Party Wall.

XXVIII. And be it enacted, with regard to an external Wall built against a Party Wall, so far as relates to the Operations incident thereto, and to the making good any Damage occasioned thereby, That if it be necessary to excavate or dig out the Ground against the Wall of any adjoining Building for the Purpose of erecting a Wall thereon, or for any other Purpose, then it shall be lawful for the Building Owner and he is hereby entitled so to do, but upon condition that the said Building Owner do at his own Costs shore up and underpin such Wall, or such Part thereof, to its full Thickness and to the full Depth of such Excavation, with good sound Stock Bricks and Tiles or Slates bedded in Cement, or with other proper and sufficient Materials, such Underpinning to be done in a workmanlike and substantial Manner; and that if for the

Damage arising
from Erection
of external
Wall against a
Party Wall.

Cutting into
Footings and
Chimneys.

the Purpose of erecting such external Wall it be necessary to cut away Part of the Footings of such Party Wall on the Side next to the Wall so to be built, and any Part of the Chimney Breasts and Chimney Shafts belonging to the Building about to be rebuilt as shall project beyond the perpendicular Face of such Party Wall in the lowest Floor thereof, then, on giving Notice of such Intention in Writing to the Owner of the adjoining Building at least One Month before commencing Operations, according to the Form (No. 15.) in the Schedule of Notices, or to the like Effect, and on the Expiration of such Notice, it shall be lawful for the Building Owner and he is hereby authorized to cut away such Portions of the Footings, Breasts, and Chimney Shafts aforesaid, but so that the same be done, and the Brick-work where cut be again made good in Cement, under the Superintendance and to the Satisfaction of the Surveyor.

Making good
such Damage.

XXIX. Provided always, and be it enacted, with regard to such Party Wall, so far as relates to the making good of any such Damage, That if it be so damaged and injured by such cutting away as in the Opinion of the adjoining Owner or Occupier to be ruinous or dangerous, then upon Application for that Purpose it shall be the Duty of the Surveyor and he is hereby required to survey such Wall; and if upon the Survey thereof it be found ruinous or dangerous, then to condemn it; and that thereupon it shall be the Duty of the Building Owner to pull down and rebuild such Party Wall; and that if in the Opinion of the Surveyor or of the Official Referees such Damage or Injury shall have been occasioned by Want of due Care on the Part of the Building Owner, then it shall be the Duty of such Building Owner and he is hereby required to pull down and rebuild such Party Wall, and that at his own Costs and Charges, including therein all the Costs and Expences incident to such Survey, and the pulling down and rebuilding of such Party Wall, and the reinstating and making good all the internal Finishings and Decorations damaged thereby; and that if the Owner of the Building to be rebuilt do not proceed with all due Despatch to pull down and rebuild such Party Wall, and to reinstate and make good all the internal Finishings and Decorations of the adjoining Premises, and to pay the Costs and Charges and Expences of the Survey, then it shall be lawful for the adjoining Owner so to do, and he is hereby entitled to recover all the Costs and Expences in respect thereof from such Owner, his Heirs, Executors, Administrators, or Assigns.

Survey.

Damage from
Carelessness.

Rebuilding.

Rebuilding of
sound Party
Walls.

XXX. And be it enacted, with regard to any sound Party Wall against which an external Wall shall have been built, and which shall have been suffered to remain, so far as relates to the rebuilding thereof, That if, while such Party Wall continues sound, the adjoining Building be pulled down or rebuilt, and such Party Wall be pulled down, then the Owner of such adjoining Building shall not be entitled to more than his just Proportion of the Materials thereof, nor to more than his just Proportion of the Ground on which such Party Wall was built, nor shall he build on more than his just Proportion of the said Ground, unless he shall have agreed with and satisfied the Owner of the Building so previously rebuilt for his Half thereof; and that if the said Owners

cannot

cannot agree concerning the Division of such Materials, or of such Ground, or of the Building thereon, or concerning the Reimbursement of the Party first rebuilding as aforesaid, then the Price and all Matters in difference, including the Sale and Purchase of the Ground in question, shall be settled by a Reference to the Official Referees, whose Award shall be final.

Reference
to Official
Referees.

XXXI. And be it enacted, with regard to every Building hereafter built, so far as relates to the raising thereof, That it shall be lawful to raise any Building, but so that nevertheless the Party and external Walls and Chimneys thereof, when so raised, be of the Materials and of the several Heights and Thicknesses hereinbefore described for Party and external Walls and Chimneys of the Rate such Building shall be of when so raised; and with regard to Buildings already built, so far as relates to the raising thereof, that although the Walls of such Buildings be not of the Thicknesses prescribed by this Act, if, in the Opinion of the Surveyor, such Walls be sufficiently secure to allow of the raising thereof, then it shall be lawful to raise any such Building already built to an additional Height not exceeding Ten Feet; and with regard to any Building adjoining one which shall be raised, so far as relates to the raising of the Chimneys thereof, that if any Building be raised it shall be the Duty of the Owner of such Building and he is hereby required to build up, at his own Expence, the Party Walls between his own and any adjoining Building, and all Flues and Chimney Stacks belonging thereto; and with regard to any Building raised, so far as relates to the Use thereof by the adjoining Owner, that if at any Time the Owner of any such adjoining Building make use of any Portion of the Part raised of such Party Wall by building against it, or otherwise, it shall be lawful for the Owner of the Premises so first raised to claim, and he is hereby entitled to recover, the Cost of a proportionate Part of the Portion which shall be so used, together with the Cost of such Parts of the Chimney Stacks as belong thereto.

Raising of fu-
ture Buildings.

Existing
Buildings.

Chimneys of
adjoining
Buildings.

Use of raised
Buildings.

XXXII. And be it enacted, with regard to Party Fence Walls, by which Term is to be understood any Boundary Wall parting the Grounds belonging to different Owners or occupied by different Persons, so far as relates to the Reparation and rebuilding and raising thereof, That if the Owner of any of the Premises parted thereby give One Month's Notice of his Intention to the adjoining Owner to repair, pull down, and rebuild the same, it shall be lawful for him so to do; and if the Wall be below the Height of Nine Feet from the Ground on either Side, then either to raise it to that Height, or to pull it down and to rebuild it to that Height, but upon condition that he do pay all the Expences thereof; and that if a Building be to be erected against such Party Fence Wall, and such Wall be not conformable to the Requisites prescribed for a proper Party Wall for a Building of that Class and Rate, then it shall be lawful for the Building Owner and he is hereby entitled to pull down such Party Fence Wall, but upon condition that he do pay all the Expences thereof, and also that he do make good every Damage which shall accrue to such adjoining Premises by such rebuilding: Provided always, with regard to the Expence of so pulling down such Party Fence Wall, and re-

Repairing and
rebuilding of
Party Fence
Walls.

Deficient Party
Fence Wall.

Reimburse-
ment of Ex-
pence of Opera-
tions.

*Party Walls.
Party Fences.
Intermixed
Buildings.*

Limitation of
Height of
Screen Walls.

building the same, that if thereafter the adjoining Owner use such Party Fence Wall for any Purpose to which, if it had not been pulled down and rebuilt, it would not have been applicable, then to such Extent as such adjoining Owner shall so use such Wall the Building Owner shall be entitled to be reimbursed the Expences of so pulling down and rebuilding such Wall: Provided also, with regard to any such Party Fence Wall, so far as relates to the Limitation of the Height thereof, that if any Party desire to raise such Wall so as to screen from View any offensive Object or Neighbourhood, then on Application to the Official Referees it shall be lawful for them to authorize such Work, but not so as to obstruct the free Circulation of the Air, or to injure the Property adjoining to or in the Neighbourhood of such Wall.

Pulling down
Party Timber
Partitions.

XXXIII. And be it enacted, with regard to the Party Timber Partitions of existing Buildings belonging to different Owners, so far as relates to the pulling down thereof, and any Wall under or over the same, That if one of the Buildings be rebuilt, or if one of the Fronts of any such Building be taken down to the Height of One Story, or for a Space equal to One Fourth of such Front from the Level of the Second Floor, upwards, then without the Consent of the adjoining Owner, but upon giving the requisite Notice, according to the Forms (Nos. 11. 12. 13.) in the Schedule of Notices, or to the like Effect, it shall be the Duty of the Building Owner and he is hereby required to pull down such Timber Partitions, and the Walls under or over the same, and in lieu thereof to build a proper Party Wall, and that at the Expence of the Owners of all the Premises parted thereby.

Pulling down
intermixed
Buildings.

XXXIV. And be it enacted, with regard to Buildings built over public Ways, or having Rooms or Stories, the Property of different Persons, lying intermixed (except Inns of Court hereinafter provided for), so far as relates to the pulling down and laying the Parts thereof to each other, That if a Party Wall or Party Arch cannot be built without pulling down such Buildings, and so laying Parts thereof to each other, and if in default of the Consent of all proper Parties the Official Referees authorize such Works, then it shall be lawful for the Owner of either of the said Buildings to execute the same, but so that the Party Walls or Party Arches be conformable to the Provisions of this Act, and the Directions of the said Official Referees in their Award made in that Behalf.

Inns of Court,
Chambers, &c.

XXXV. And be it enacted, with regard to the Rooms or Chambers in the Inns of Court (that is to say,) in *Serjeants Inn, Chancery Lane*, or in any of the Four Inns of Court, or in any of the Inns of Chancery, or any other Inns set apart for the Study or Practice of the Law, and with regard to other Buildings divided into Rooms or Chambers, Offices or Counting Houses, let out or to be let in separate Suites or Sets, so far as relates to the building of Party Walls, That the Walls or Divisions between the several Rooms and Chambers in such Inns, or such Buildings belonging to and communicating with each separate and distinct Staircase, shall be deemed to be Party Walls within the Meaning of this Act, and as such must be built in conformity with the Regulations and Clauses herein contained relating to Party Walls.

XXXVI. And

XXXVI. And for the Purpose of facilitating and regulating the Execution of any Works authorized by this Act, or by any Award in pursuance thereof, in respect of any Party Wall or Party Arch parting the Buildings or Grounds belonging to different Owners, or in the Occupation of different Persons, or in respect of intermixed Buildings, be it enacted, with regard to any such Works, so far as relates to the Power to enter the adjoining Premises in order to execute the same, That if such Work have been duly authorized, either by the Consent of the Parties competent to give such Consent, or by the Award or Certificate of the Official Referees, then, at any Time between the Hours of Six in the Morning and Seven in the Afternoon (*Sundays* excepted), it shall be lawful for the Building Owner, or any other Person acting in his Behalf, accompanied by a Constable or other Officer of the Peace, and they are hereby respectively empowered, to enter on the Premises of the adjoining Owner, so far as may be necessary for executing such Work; and that if the outer Door of such Building be shut, and being thereunto required the Person therein refuse to open the same, or if such Building be empty and unoccupied, then it shall be lawful to break open such outer Door; and if any Fixtures, Goods, Furniture, or other Thing obstruct the building of such intended Party Wall or Party Arch, or the pulling down any Wall, Partition, or other Thing necessary to be pulled down and removed in order to the building such intended Party Wall or Party Arch, then to remove such Fixtures, Goods, Furniture and Things to some other Part of the same Premises, or if there be no Room on the Premises sufficient for that Purpose, to remove them to some other Place of safe Custody; and that from and after such Entry, and at all usual Times of working, it shall be lawful for the Builder employed to erect such intended Party Wall or Party Arch, and for his Servants and all others employed by him, to enter into and upon the Premises, and abide therein the usual Times of working, as well for the shoring up of the said Building so broken into and entered upon, and for taking down and removing any Party Wall, Partition, Wainscot, or other Thing necessary to be taken down and removed for the Purpose aforesaid, as to build such intended Party Wall or Party Arch; and that if in any Manner any such Owner or other Person hinder or obstruct any Workman employed for any of the Purposes aforesaid, or wilfully damage or injure the said Works, then every such Person so offending shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Power of Entry on Premises to effect Works.

Opening Doors and Removal of Goods, &c.

Continuance of Entry.

Penalty for Hindrance.

XXXVII. And now for the Purpose of further protecting the Interests of adjoining Owners, be it enacted, with regard to external Walls adjoining the Ground or Building of another Owner, so far as relates to the making of Openings therein, That if, without the Consent in Writing of the Owner of such Ground or Building, any Opening be made in any such Wall, then it shall be lawful for such Owner and he is hereby entitled to require the Owner of the Premises in which such Opening shall be made to stop up the same with Brick or Stone Work, as the Case may be, according to the Form (No. 5.) in the Schedule of Notices, or to the like Effect; and that if within One Month after such Notice such Stoppage be not effected, then it shall be lawful for such Owner

Stopping of Openings in external Walls abutting on other Premises.

Stoppage thereof.

*Party Walls.
Party Fences.
Intermixed
Buildings.*

Costs of stop-
ping up.

Certificate of
Official Refe-
reces.

Recovery of
Costs.

Building of
Party Walls
next vacant
Ground.

Consent of
adjoining
Owner.

Building of
Chimney
Breasts, &c. in
new Party Wall
for adjoining
Owner.

Instructions
by adjoining
Owner.

and he is hereby entitled, either by himself or his Workmen, with Tools, Implements, and Materials, to cause such Openings so to be stopped, and he is also hereby entitled to be repaid the Costs thereof; and with regard to such Costs, so far as relates to the Adjustment thereof, that if such Owner refuse to make Payment thereof, or if there be any Dispute as to the Amount thereof, then, on Application for the Purpose to the Official Referees, by either of the Parties concerned, it shall be lawful for the Person by whom they have been incurred and he is hereby entitled to refer the Matter of such Dispute to the Official Referees, and to have their Determination thereon; and that it shall be the Duty of such Official Referees to give to the Applicant a Certificate in relation thereto; and that if any Party liable to pay any Sum of Money under such Certificate fail to do so then it shall be lawful for the Party entitled to such Costs to recover the same in the Manner herein-after provided for the Recovery of the Costs, Charges, and Expences of executing any Works in pursuance of this Act.

XXXVIII. And be it enacted, with regard to Walls, so far as relates to the Building thereof on vacant Ground at the Line of Junction of Premises belonging to different Owners or in different Occupations, That One Month before the Owner of any Piece of vacant Ground, or Ground not hitherto built upon, shall build any Building adjoining to another Piece of vacant Ground, or Ground not hitherto built upon, or build a Fence Wall for such Piece of Ground, it shall be his Duty and he is hereby required to give to the Owner or Occupier of such adjoining vacant Ground a Notice, which must be in Writing, and must set forth his Desire to build a Party Wall or Party Fence Wall, and describe the Thicknesses and Dimensions of such desired Party Wall or Party Fence Wall, according to the Form (No. 16.) in the Schedule of Notices, or to the like Effect; and that if within such Period of One Month such adjoining Owner shall signify his Consent in Writing, then the same must be built partly on the Ground of one of the said Owners or Occupiers, and partly on the Ground of the other Owner, and such last-mentioned Part is to be paid for as is herein-after directed by such other Owner or Occupier; but if he do not signify such Consent, then it shall be the Duty of the Building Owner to build an external Wall for such Building, and Fence Wall for such Ground, entirely upon his own Ground, except as to the Footings of any such Wall.

XXXIX. And be it enacted, with regard to any new Party Wall built on the Line of Junction of Premises belonging to different Owners, so far as relates to the providing of Chimney Breasts and other Accommodation for the adjoining Owner, That when the Owner of any Piece of vacant Ground shall have obtained the Consent of the adjoining Owner to build a Party Wall on the Line of Junction of their respective Premises, then, Ten Days at the least before beginning to build such Party Wall, it shall be the Duty of the Building Owner to give the adjoining Owner Notice thereof, according to the Form (No. 16.) in the Schedule of Notices, or to the like Effect; and that if in due Time the adjoining Owner shall give Instructions in Writing, or by a Plan and Elevations or other sufficient Drawings, then it shall be

be the Duty of the Building Owner to construct, if practicable, such and so many Chimney Jambes, Breasts, and Flues of Chimneys in all such Parts of such Party Wall as shall be by such Instructions required, and to leave such Recesses in every such Wall as may be so required, but so that they be conformable with the Directions of this Act concerning Party Walls and Chimneys; and that thereupon it shall be lawful for the Building Owner to claim and he is hereby entitled to recover from the adjoining Owner all the Expences of constructing such Chimney Jambes, Breasts, and Flues of Chimneys, and Recesses, as provided by this Act in that Behalf.

XL. 'And whereas Buildings within the Limits of this Act are often, either from litigated Titles thereto, or from the Obstinacy, Neglect, or Poverty of the Owners thereof or of the Parties interested therein, or from other Causes, in so ruinous a Condition that Passengers are endangered thereby;' now, for the Purpose of making Provision in that Behalf, be it enacted, with regard to ruinous Buildings or Parts of Buildings, so far as relates to repairing or pulling down the same, That upon receiving Information of any Building being in a ruinous and dangerous Condition it shall be the Duty of the Surveyor and of the Overseers for the Time being of the Parish or Place in which the same shall be, and they are hereby respectively required, to apply forthwith to the Official Referees to authorize a Survey to be made thereof; and that thereupon it shall be lawful for the Official Referees to direct the Surveyor to make such Survey; and that thereupon it shall be the Duty of such Surveyor to act in all respects as in the Case of a Survey of Party Walls; and that upon the Receipt of the Certificate of the Survey or it shall be lawful for the Official Referees and they are hereby required to cause a Copy thereof to be transmitted, if the Premises be within the City of London, then to the Court of Lord Mayor and Aldermen, and if they be elsewhere, then to the Overseers of the Poor of the Parish or Place in which such Premises shall be; and that thereupon it shall be the Duty of such Mayor and Court of Aldermen, and Overseers, to cause with all convenient Speed any such ruinous Building to be securely shored, or a proper and sufficient Hoard to be put up for the Safety of all Passengers, and to cause Notice in Writing to be given to the Owner of such Building to repair or pull down the same or any Part thereof, as the Case may require, within Fourteen Days then next ensuing; and that if within the said Fourteen Days the Repair or Demolition thereof be not begun, and be not completed as soon as the Nature of the Case will admit, then, on a Declaration being made before the said Lord Mayor or a Justice of the Peace of such Notice having been so given (which Declaration the said Lord Mayor and Justice are hereby respectively empowered and required to receive), it shall be lawful for the said Lord Mayor and Court of Aldermen, and they are hereby authorized and required, out of the Cash in the Chamber of London, and also for every such Overseer of the Poor by and out of the Money in his Hands, and they are hereby severally authorized and required, with all convenient Speed, to order and cause such Building, or such Part thereof so certified to be in a ruinous and dangerous Condition as shall be necessary for the Safety of the

*Party Walls,
Party Fences,
Intermixed
Buildings.*

Reimburse-
ment of Ex-
pences.

*Ruinous
Buildings.*

Repairing and
rebuilding.
Application to
Official Refe-
rees.

Survey.

Notice to Lord
Mayor, &c.
and to Over-
seers.

Shoring and
Erection of
Hoards, and
Notice to
Parties.

Repairs.

Appeal against Survey. Passengers, to be repaired or pulled down, or secured in such Manner as shall from Time to Time be requisite: Provided always, that if such Lord Mayor and Aldermen, or such Overseers, appeal against such Certificate, it shall be the Duty of the Official Referees to proceed to survey, to certify, and to award in all respects as in the Case of an Appeal from the Certificate of the Surveyor with reference to Party Walls or intermixed Buildings; and that if such Official Referees certify that the said Premises are ruinous and dangerous, it shall be the Duty of the said Lord Mayor or the said Overseers to repair or pull down such Building as aforesaid.

Demolition.

Disposal of Materials to pay Costs. XLI. And be it enacted, with regard to any such ruinous Building so pulled down, so far as relates to the Disposal of the Materials thereof, and to the Application of the Proceeds, That it shall be lawful for the said Lord Mayor and Court of Aldermen, or the said Overseers, to sell and dispose of such of the Materials as they shall judge necessary, and out of the Monies arising from the Sale thereof to reimburse to themselves, the Surveyors and Official Referees, and every Person by them respectively employed for the Purposes aforesaid, all the Charges of the Survey and Appeal, and of putting up every such Hoard, and of repairing, pulling down, and securing such Premises, and of making good the Pavement, and of selling the said Materials as aforesaid, or so much thereof as the Monies arising by such Sale will extend to; and that if there be any Surplus after Payment of all Expenses, then, upon Demand thereof made by such Owner, it shall be the Duty of the said Lord Mayor, or of the said Overseers, to account for and pay such Surplus of the Monies arising by such Sale to the Owner of such Building; or if there be any Question as to the Person entitled to such Surplus, or as to the Priority of Title to such Sum of such Persons so entitled, or as to the Proportions to which such Persons are so entitled, then it shall be lawful, either for the Lord Mayor or the Overseers, or for any Person claiming to be so entitled, to refer the Matter to the Determination of the Official Referees, and their Decision shall be final; and that if no such Demand be made then such Surplus shall, as regards Places within the City of *London* and the Liberties thereof, be paid to the Chamberlain of the City, and as regards all other Places such Surplus shall be paid to the Overseers, and added to the Monies raised as Rates for the Relief of the Poor of the Parish or Place, and accounted for accordingly: Provided nevertheless, that at any Time within Six Years from the Deposit of such Surplus, it shall be lawful for any such Owner, his Executors or Administrators, to claim, and he and they are hereby entitled to recover such Surplus; and the said Lord Mayor and Aldermen of the City of *London*, as regards the said City and Liberties thereof, are hereby required to pay such Surplus out of the Cash in the Chamber of *London*; and every Overseer, as regards Places not within the said City or the Liberties thereof, is hereby required to pay such Surplus out of any Monies raised or to be raised by any Rate for the Relief of the Poor.

Payment of Surplus, on Demand.

If no Demand.

City of London or Overseers to refund within Six Years.

If a Deficiency, to be paid by the Owner; XLII. And be it enacted, with regard to such ruinous Buildings, so far as relates to the Expenses of any such Survey and Appeal, putting up such Hoard, repairing, pulling down, and securing such

such Buildings, and selling the Materials, beyond the Amount thereof which shall have been satisfied by the Application thereto of the Proceeds of the Materials, That if the Monies arising from such Sale be insufficient to repay all such Expences, then from Time to Time such Deficiency shall be paid by the Owner of every such Building, being the Person entitled to the immediate Possession thereof, if known; and that if, on Demand thereof, such Owner fail to pay such Deficiency, then it shall be lawful for the Lord Mayor for the Time being, if such ruinous Building in question be within the City of London or the Liberties thereof, or if elsewhere, for Two or more Justices of the Peace, to levy the Amount thereof by Warrant under their Hands and Seals, by Distress and Sale of the Goods and Chattels of such Owner, if any such can be found; and that if no such Owner can be met with, or, being met with, shall not, on Demand, pay the said Deficiency, and no sufficient Distress of the Goods and Chattels of such Owner can be found, then it shall be lawful for the Person who shall at any Time thereafter occupy any such Building, or the Ground where the same stood, and he is hereby authorized and required, to pay and deduct the same out of the Rent thereof; and that if he neglect or refuse to pay such Deficiency, then it shall be lawful for the said Lord Mayor, or Two or more such Justices of the Peace, and they are hereby empowered and required, to cause the same to be levied by Distress and Sale of the Goods and Chattels of any Occupier of the Premises, together with the Costs of every such Distress and Sale; and that if the Premises be situate within the City of London and its Liberties it shall be the Duty of the Person by whom the same shall be received, and he is hereby required, to pay the Amount to the Chamberlain, to be by him from Time to Time placed to the Credit of the Cash of the said City of London, and if the Premises in respect of which such Money shall be received or recovered be not situate within the said City of London and the Liberties thereof, then to pay the Amount received to the Overseers of the Poor for the Time being of the Parish or Place where the Premises shall be situate, to be by them placed to the Account of the said Parish, in aid of the Poor Rate of the Parish or Place.

XLIII. And be it enacted, with regard to ruinous Chimneys, Roofs, and Projections, so far as relates to the repairing thereof, That if a Chimney Shaft, Chimney Pot or other Thing thereon, or the Eaves, or Parapet or Coving, or Slates or Tiles on the Roof, or any Projection from the front Walls of any Building, be in danger of falling, then it shall be the Duty of such Surveyor, and he is hereby required to require the Occupier of such Building, or if there be no Occupier then the Owner thereof, to take down or secure the same within Thirty-six Hours after Notice thereof shall have been given; and that if within the Time specified such Occupier, or some other Person interested in such Building, do not begin to take down or secure the same, and as soon as the Nature of the Case will admit complete such taking down or securing of the same, then it shall be the Duty of such Surveyor to give Information thereof to a Justice of the Peace, and thereupon it shall be the Duty of such Justice of the Peace to proceed to cause such Chimney Shaft, Chimney Pot or other

*Ruinous
Buildings.*

or levied by
Warrant of
Distress;

or Occupier to
pay and deduct
from Rent;

or by Distress
on Occupier.

Payment of
Money to
Chamberlain
or to the Over-
seers.

Repair of ruin-
ous Chimneys,
&c.

Notice.
Repairs.

Ruinous Buildings.**Certification of Expences.****Recovery from Owner or Occupier.****Penalty.****Fees and Expences.****Reimbursement of Occupier.****Injury by the Fall of Chimneys, &c.****Compensation.****Court of Mayor and Aldermen.**

Thing thereon, or the Eaves, or Parapet or Copping, or Slates or Tiles on the Roof, or Projection from the front or side Wall of such Building as shall be considered by such Surveyor in danger of falling, to be forthwith taken down or secured; and that if there be no Occupier or known Owner then it shall be lawful for such Justice to direct that the reasonable Expences, to be certified by the Official Referees, be paid by the Overseers of the Parish or Place in which such Building shall be situated; and that if thereafter the Owner of such Building become known, or if the Building become occupied, then it shall be lawful for the Overseers of the Poor and they are hereby entitled to recover the Amount of such Expences from such Owner or from such Occupier as in the Case of ruinous Buildings herein-before provided for; and that if within the Time limited the Occupier, or some other Person interested in such Building, do not take down or secure the same, then for every Day during which the same shall so remain unrepaired or not sufficiently secured such Occupier, or the Owner if there be no Occupier, shall forfeit and pay a Sum not exceeding Five Pounds; and that such Occupier or Owner shall also pay the Surveyor's Fees, and all other Costs, Charges, and Expences attendant upon any such taking down or securing the Building; and all such Surveyor's Fees, and other Costs, Charges, and Expences, may be recovered and levied in the same Manner as such Penalty: Provided always, that if the Occupier of such Building be not bound by virtue of any Lease or other Instrument to repair, reinstate, or secure the Premises, then such Occupier is hereby entitled to retain out of the Rent payable in respect of such Premises all such Penalties, Costs, Charges, and Expences attendant upon or arising out of the taking down or securing, or the repairing or rebuilding the same, as in the Case of any other Works the Costs of which he is hereby required to pay in the first instance.

XLIV. And be it enacted, with regard to adjoining Buildings, so far as relates to the making good any Damage arising from the falling down of Parts thereof (except any such Part of a Party Wall as shall belong to and be used conjointly by the Owners or Occupiers of the Buildings parted thereby), That if at any Time any Injury or Damage be caused to any Part of an adjoining Building, or to the internal Decorations and Furniture, Goods, Wares, and Merchandize in such Building, by the falling down from any other Building of any Chimney Shaft, Chimney Pot, Parapet, Copping, or other Thing, then it shall be the Duty of the Owner of the Building from which such Part shall fall, and he is hereby bound and required, to reimburse the Expence to which the Owner or Occupier may be put in making good such Injury or Damage, in like Manner as herein directed concerning the Reimbursement of the Expences of ruinous Party Walls; and such Costs shall be recoverable in the Manner herein-after directed for the Recovery of the Costs and Expences of executing Works in pursuance of this Act.

XLV. And be it enacted, That all the Powers and Authorities by this Act vested in the Mayor and Aldermen of the City of London may be lawfully exercised by the Court of Mayor and Aldermen of the said City to be holden in the outer Chamber of the

the Guildhall of the said City according to the Custom of the said City.

XLVI. And for the Purpose of reimbursing any Building Owner for the Expence of Works incurred in respect of any Party Structure, be it enacted, with regard to the following Works, so far as relates to the Reimbursement by the adjoining Owner of Expences incurred by the Building Owner in respect of any Party Structure built to part the Buildings or Premises belonging to other Owners from the Buildings or Premises belonging to himself; that is to say,

Expences of Works.

Repayment of Expences of Works in certain Cases.

First, with regard to any Party Wall hereafter built on the Line of Junction of any Two Buildings; and,

Second, with regard to any Party Wall hereafter built on the Line of Junction of any Building and any vacant Ground or of vacant Premises belonging to different Owners or Occupiers; and,

Third, with regard to a ruinous and defective Party Wall pulled down and rebuilt, either with the Consent of the adjoining Owner, or in pursuance of the Condemnation thereof according to this Act, except a Party Wall condemned on account of the Injury done thereto by any Building Owner, and the Expences of which and of other incidental Works the Official Referees shall have awarded to be paid by such Building Owner by virtue of the Provision in that Behalf; and,

Fourth, with regard to One or more Timber Partitions between any Two or more Buildings, pulled down, and a Party Wall built in lieu thereof; and,

Fifth, with regard to a new Party Wall or Party Arch built in lieu of any Party Wall or Party Arch between intermixed Properties pulled down, either with the Consent of the adjoining Owner, or in pursuance of the Condemnation of such Party Wall or Party Arch; and,

Sixth, with regard to any Party Wall built on the Site of a Party Fence or Party Fence Wall, and used otherwise than as a Party Fence Wall by the Person who shall not have built the same; and,

Seventh, with regard to every other Case of Reimbursement in respect of any Party Structure,

That if the Party Structure be built in the Manner, and of the Materials, and of the Thicknesses of such Structure as required by this Act in reference thereto, then it shall be lawful for the Building Owner at whose Expence such Work shall have been executed to claim and he is hereby entitled to be paid, and to recover from the Person who is entitled to the immediate Possession of the adjoining Building or Ground, or who is in the immediate Occupation thereof, the following Compensations; that is to say,

Recovery of Expence from adjoining Owners.

If a new Party Wall or Party Arch built on the Line of Junction by One Owner be made use of, either wholly or partially, by the adjoining Owner, then the Sum of Money proportionate to the Value of so much of such Party Structure so made use of; and,

If Chimney Jambs, Chimney Breasts and Flues, have been set up in any Party Wall, in pursuance of the Instructions of the Owner of any vacant Ground adjoining to the same, then a Sum equal to the Value thereof; and,

If

*Expences of
Works.*

If an unsound Party Wall or other Party Structure be pulled down and rebuilt, then a Sum of Money equal to a proper Proportion of the Value of the new Party Structure, Deduction being made for a due Proportion of the old Materials, and also a proportionate Part of all Expences which shall be necessary for pulling down the old Party Structure in lieu of which such new Party Structure shall be built; and,

If a Party Wall be built in lieu of a Timber Partition or other Party Structure, and be made use of by the adjoining Owner, then a Sum of Money proportionate to the Value of so much of such new Party Wall as shall be so made use of, and also a proportionate Part of all Expences which shall be necessary for pulling down the old Timber Partition or other Party Structure; and,

If a Party Wall or Party Arch already built or hereafter rebuilt be used by any adjoining Owner, then a Sum of Money proportionate to the Value of so much of such Party Structure as the adjoining Owner shall use, Deduction being made, where proper, for the Value of old Materials;

And in every Case the whole of the reasonable Expences of the shoring up the adjoining Building, and of removing any Goods, Furniture, or other Things therein, and of pulling down any Wainscot or Partition thereof;

And also such Surveyors Fees and any other Fees payable in respect of any Acts performed by the Official Referees, and also such other Costs (if any) as may have been awarded by the Official Referees as aforesaid in any of the Cases hereby provided for:

*Delay of Pay-
ment.*

And until such Expences shall be so paid every Person at whose Expence such Party Structure shall have been built is hereby entitled to and shall be possessed of the sole Property thereof, and of the Ground whereon it stands, and the same shall be vested entirely in the Person at whose Expence such Party Structure shall have been built.

*Recovery of
Costs of
building.*

XLVII. And be it enacted, with regard to the Costs of all the Works which shall be executed under this Act, incurred either by an Owner or by an Occupier, either on behalf of the Owners of the same Premises or on behalf of the Owner of the adjoining Premises, so far as relates to the Recovery thereof, That within Twenty-one Days after the Completion of the Work it shall be the Duty of the Person by whom such Expence shall have been incurred to deliver to the adjoining Owner of the Building or Premises in respect of which such Expence shall have been incurred an Account in Writing of the Expences of the Work, including all preliminary and incidental Operations, and also if the Work shall have been executed by the Authority of the Official Referees, by virtue of the Power hereby provided for supplying the Want of Consent of Owners, then a Copy of such Account shall also be delivered to the Official Referees at their Office; and that every such Account must contain a true Account,—

Account.

First, of the Number of Rods and Parts of Rods of Brick-work, and of all Digging, and of Concrete, Stone-work, and other requisite Materials, and of the Labour required in executing so much of the Work as the Owner of the adjoining Building shall

shall be liable to pay, and of the respective Prices thereof; and,

Expences of Works.

Secondly, of any Deduction which such adjoining Owner shall be entitled to make therefrom on account of the old Materials of so much of the Wall or other Structure pulled down which shall have belonged to him;

And also a true Account of the Expences of all other preliminary and incidental Operations; and that all such Works must be estimated and valued in every such Account at such Rates and Prices as shall from Time to Time be fixed by the Official Referees; and that if within Ten Days from the Delivery of such Account any Party dissatisfied with the Proportion of the Amount thereof charged to him appeal to the Official Referees, then upon the Receipt thereof, or if, in Cases of Want of due Consent as aforesaid, such Account be delivered to the Official Referees as aforesaid, it shall be the Duty of the Official Referees to examine such Account, and to certify whether they approve or disapprove of the Items thereof, and whether the Rates and Prices are duly charged, and whether the Proportion of the Account charged to the Party appealing be duly charged, and also to appoint how and by whom the Expences of such Examination are to be borne, and also to appoint the Time or Times at which the Amount of such Account and of such Expences payable by any Party are to be paid; and that if they certify their Disapproval, or that the Charges are not duly made, or the Amount fairly apportioned with regard to the Party appealing, then, before any Demand be made or any Proceedings be taken thereon, the Account must be amended, and again examined by the Official Referees, and certified as aforesaid; and that if the Official Referees certify their Approval, then at the Time or Times appointed by the said Official Referees it shall be lawful for the Person entitled to such Costs and Expences to demand the Amount thereof; and that if, within Ten Days after the delivering of such Account to the Party liable to pay the same, such Party do not either appeal against such Account or pay the same, or if, within Ten Days after Demand thereof, in conformity with the Certificate of the Official Referees, the Amount thereof, together with the Costs of the Examination of the Account as the Official Referees shall certify, be not paid, then it shall be lawful for the Person entitled thereto to recover the same, or so much thereof as shall be then due, by the summary Proceeding hereby provided.

Data of Account.

Examination of Accounts by Official Referees.

Disapproval.

Approval, and Demand of Payment.

Recovery of Amount.

XLVIII. Provided always, and be it enacted, with regard to Works executed under this Act, so far as relates to the Reimbursement to the Occupier of any Costs by him paid in respect thereof, That, unless there be some Covenant or Agreement to the contrary between the Parties, it shall be lawful for such Occupier and he is hereby entitled to deduct from the Rents due or becoming due from him to his Lessor or Landlord the Amount of any such Costs, Charges, and Expences payable by his Lessor or Landlord, and the Costs, Charges, and Expences of any Distress and Sale made on him through the Default of his Lessor or Landlord; and that the Receipt for such Payment shall be a sufficient Discharge to any Occupier for so much Money as he shall have so paid, or which shall have been so levied on his Goods and Chattels in pursuance of

Reimbursements of Costs of Works to Occupiers.

Discharge and Repayment.

<i>Expences of Works.</i> —	of this Act, and shall be allowed by such Lessor or Landlord in part or full Payment (as the Case may be) of the Rent due to him by such Occupier.
Recovery of Expences of Buildings.	XLIX. And be it enacted, with regard to the Costs and all other Expences of pulling down, securing, repairing, and rebuilding Party Structures, or other Parts of Buildings, according to the Provisions of this Act, so far as relates to the Recovery thereof amongst the several Owners of the Premises, That when such Costs and Expences shall have been ascertained and paid by the Owner upon whom the Payment thereof shall have first fallen, then, as to any Building or Tenement held under any Lease or Agreement for a Lease, or other Agreement for the Occupation thereof, made before the coming into operation of this Act, it shall be lawful for such Owner and he is hereby entitled to recover the same from the Persons now bound or liable by Law or by any existing Contract to maintain and repair such Buildings in respect of which such Costs and Expences shall have been incurred; but if any Dispute or Difference arise as to the Persons so bound or liable, then every such Dispute or Difference shall be referred to the Official Referees; and that thereupon such Official Referees shall ascertain and determine the Persons bound or liable to pay such Costs and Expences, and also in what Proportions such Costs and Expences are to be paid by the Parties liable to pay the same, and their Decision shall be final; and that as to any Building or Tenement to be held under any Lease or Agreement for a Lease, or other Agreement for the Occupation thereof, made after the coming into operation of this Act, except a Lease renewable for ever on a fixed Fine or other customary Payment, all such Costs and Expences shall be charged upon the Lessor granting such Lease or making such Agreement, and not upon any Lessee or Sub-lessee holding under any such Lease or Agreement, subject, nevertheless, to any express Covenant or Agreement made between any such Lessor and Lessee in that Behalf; and in case of such excepted Lease such Costs and Expences shall be charged upon the Lessee instead of the Lessor, subject, as aforesaid, to any express Covenant or Agreement in that Behalf between any such Lessee and his Sub-lessee holding under such Lessee upon other than a fixed Fine or customary Payment as aforesaid; and that in default of such Costs and Expences being duly paid it shall be lawful for the Party to whom the same shall be payable and he is hereby entitled to receive from the Occupier thereof the Rents and Profits of such Building or Tenement, and for that Purpose to give Notice to such Occupier to pay over to him such Rents and Profits; and that thereupon, if such Occupier fail to pay such Rent and Profits accordingly, then it shall be lawful for the Person to whom such Costs and Expences shall be payable to recover the same from such Occupier by the summary Proceeding hereby provided, in such Proportions and at such Times as shall be appointed by the Award of the said Official Referees in that Behalf; and that after such Notice shall be given, and before such Costs and Expences shall be paid, it shall not be lawful for any Person otherwise entitled to receive such Rents and Profits and he is hereby disabled from bringing any Action, and from taking any Proceeding at Law or in Equity to recover such Rents and Profits: Provided always, that if on the hearing of the Application
Differences.	
Determination by Official Referees.	
Charges.	
Receipt of Rents.	
Recovery of Rents.	
Priority of Right.	
Limitation of Interest.	

cation for 'the Warrant to levy such Costs and Expences by Distress, according to the Provision of this Act in that Behalf, the Occupier, not being an Owner, show that he is not bound to pay in respect of such Building or Tenement any Rent or Profit, or that the Amount of the Rent or Profit payable by him is not sufficient, then it shall not be lawful to issue such Warrant, if there be no Rent due or accruing, or if there be Rent due or accruing, then to the Extent only of the Amount of such Rent ; and that if such Costs and Expences or any Part thereof remain unpaid, and if the same or any future Occupier be or become liable to pay Rent in respect of such Building or Tenement, then, from Time to Time until the same be paid, it shall be lawful to levy the same by Distress, according to the Provisions of this Act in that Behalf, upon the same or any such future Occupier.

L. And be it enacted, with regard to such Costs and Expences of Works executed under this Act, so far as relates to Contribution thereto by Persons bound or liable to make Contribution, That for the Purpose of enabling the Party upon whom the Payment of such Costs and Expences shall fall, either in the first instance or subsequently, to obtain Contribution from other Persons, being Owners according to the Meaning of this Act, in like Degree, and so bound or liable to make Contribution, it shall be lawful for every such first-mentioned Person, whether he be Freeholder, Copyholder, Leaseholder, Mortgagee in possession, and whatever may be his Interest, or the Nature and Extent of such his Interest, and whether he hold in his own Right or in Right of others, and whatever may be the Kinds and Degrees of their respective Interests, and he is hereby entitled to a Contribution from every other Person having as Owner an Interest in the Premises, of whatever Kind or Degree, which Contribution is to be computed according to the Amount of his Interest in proportion to that of other Persons interested, so far as such Persons may be known, or can be reached by Process of any Court of Law or Equity ; and that it shall be lawful for any Party so interested and he is hereby entitled to require the Official Referees to settle and determine the same by their Award, and their Decision shall be final ; and that if the Person upon whom the Payment of such Costs and Expences shall have fallen have paid in respect of the Interest of another or others, either unknown or who could not be reached by Process of any Court of Law or Equity, more than his own just Proportion, then, on the Production of such Award, duly made, signed, and sealed, it shall be lawful for such Person to have and exercise against other Parties against whom such Award shall be made and he is hereby entitled to the like Remedies to compel Payment of Money as are hereby given for compelling the first Payment of such Costs and Charges of such Expences.

LL. And now for the Purpose of facilitating the Improvement of the Drainage of Houses, be it enacted, with regard to the Drains, Cesspools, and Privies to Buildings hereafter built, so far as relates to the making thereof, That from the passing of this Act all the Conditions, Regulations, and Directions contained in the Schedule (H.) to this Act annexed shall be duly observed and performed ; and that if any Person offend in respect thereof he shall be liable to all the Penalties and Forfeitures by this Act imposed in respect of

Expences of Works.
—

Continuance of Distress until Payment made.

Official Referees to determine Contributions.
Proportional Contributions.

Decision of Official Referees.

Recovery of Excess paid by any Contributor.

Drainage of Houses.
—

Making Drains according to Schedule (H.) Penalties.

of any Buildings either built contrary thereto, or without due Notice to the Surveyor appointed in pursuance of this Act to inspect such Buildings : Provided always, with regard to such Drains, so far as relates to the Communication thereof with the Sewers under the Jurisdiction of the Commissioners of Sewers, that unless the Regulations of such Commissioners now or hereafter in force be repugnant to the Directions contained in such Schedule, and to the Extent to which such Regulations are not so repugnant, it shall be the Duty of every Person and he is hereby required to make such Drains to conform to such Regulations ; and that with regard to such Drains, except so far as is hereby otherwise provided, all the Rights, Powers, Jurisdiction, and Authority vested in any such Commissioners shall be as valid and effectual as if this Act had not been passed.

Communica-
tions with
Sewers.

Saving Powers
of Commission-
ers of Sewers.

*Streets and
Alleys.*

Width thereof.

Penalties.

*Buildings,
Use thereof.*

Occupation of
Cellars or
Rooms unfit
for Dwellings.

Penalty.

Report by
Overseers of
Number, &c. of
Dwellings.

Notice thereon
by Referees to
Owners, &c.

LII. And now, for the Purpose of making Provision concerning Streets and other Ways of the Metropolis, be it enacted, with regard to such Streets and other Ways hereafter formed, so far as relates to securing a sufficient Width thereof, That from the passing of this Act all the Conditions, Regulations, and Directions contained in the Schedule (I.) to this Act annexed shall be duly observed and performed ; and that if any Person offend in respect thereof he shall be liable to all the Penalties and Forfeitures by this Act imposed in respect of any Buildings, either built contrary thereto, or without due Notice to the Surveyor appointed in pursuance of this Act to inspect such Buildings.

LIII. And now, for the Purpose of discouraging and prohibiting the Use of Buildings unfit for Dwellings, be it enacted, with regard to every Building of the First or Dwelling House Class, whether already or hereafter built, so far as relates to the Occupation thereof, or to the Occupation of any underground Room or Cellar thereof, That from and after the First Day of *July* One thousand eight hundred and forty-six it shall not be lawful to let separately to hire as a Dwelling any such Room or Cellar not constructed according to the Rules specified in the Schedule (K.) to this Act annexed, nor to occupy or suffer it to be occupied as such, nor to let, hire, occupy, or suffer to be occupied any such Room or Cellar built underground for any Purpose (except for a Ware-room or Storeroom) ; and that if any Person wilfully let or suffer to be occupied in manner aforesaid any underground Cellar or Room, contrary to the Provisions of this Act, then, on Conviction thereof before Two Justices of the Peace, such Person shall be liable to forfeit for every Day during which such Cellar or Room shall be so occupied a Sum not exceeding Twenty Shillings ; and one Half of such Penalty shall go to the Person who shall sue for the same, and the other Half to the Poor of the Parish in which such unlawfully occupied Cellar or Room shall be situate ; and that on or before the First Day of *January* One thousand eight hundred and forty-five it shall be the Duty of the Overseers of the Poor and they are hereby required to report to the Official Referees the Number and Situation of the Dwellings within their respective Parishes of which any under-ground Room or Cellar shall be so occupied, and that thereupon it shall be the Duty of the Official Referees and they are hereby empowered to direct such Notice to be given to the Owners and Occupiers of such Dwellings as shall

appear to such Official Referees to be best calculated to give to such Owners or Occupiers full Knowledge of the Existence, Nature, and Consequences of this Enactment; and that it shall be the Duty of the District Surveyors and they are hereby required to give full Effect to the Directions of such Official Referees in this Behalf.

LIV. And now, for the Purpose of making Provision concerning Businesses dangerous in respect of Fire or Explosion, be it enacted, with regard to the following Businesses, (that is to say,) the Manufacture of Gunpowder or of detonating Powder, or of Matches ignitable by Friction or otherwise, or other Substances liable to sudden Explosion, Inflammation, or Ignition, or of Vitriol, or of Turpentine, or of Naptha, or of Varnish, or of Fireworks, or painted Table Covers, and any other Manufacture dangerous on account of the Liability of the Materials or Substances employed therein to cause sudden Fire or Explosion, so far as relates to the Erection of Buildings in the Neighbourhood of the Place where any such Business is carried on, and so far as relates to the carrying on of any such Business in the Neighbourhood of public Ways or Buildings, That it shall not be lawful hereafter to erect any Building of any Class nearer than Fifty Feet from any Building which shall be in use for any such dangerous Business; but if a Building already existing within Fifty Feet from any such Building be hereafter pulled down, burnt, or destroyed by Tempest, such Building may be rebuilt; and that it shall not be lawful for any Person to establish or newly carry on any such Business, either in any Building or Vault or in the open Air, at a less Distance than Forty Feet from any public Way, or than Fifty Feet from any other Building, or any vacant Ground belonging to any other Person than his Landlord; and that if any such Business be now carried on in any Situation within such Distances, then from the Expiration of the Period of Twenty Years next after the passing of this Act it shall not be lawful to continue to carry on such Business in such Situations; and that if any Person erect any Building in the Neighbourhood of any such Business contrary to this Act, then, on Conviction thereof before Two Justices, he shall forfeit a Sum not exceeding Fifty Pounds for every Day during which such Building shall so remain near to such dangerous Business; or if any Person establish anew any such Business, or carry on any such Business contrary to this Act, then, on Conviction thereof before Two Justices, such Person shall be liable to forfeit for every Day during which such Business shall be so carried on a Sum not exceeding Fifty Pounds, as the said Justices shall determine, and that it shall be lawful for the Justices also to award to the Prosecutor such Costs as shall be deemed reasonable; and that if the Offender either fail or refuse to pay such Penalty and Costs immediately after such Conviction, then they may be levied by Distress of the Goods and Chattels of the Person convicted; or if there be no such Distress, then such Person shall be committed to the Common Gaol or House of Correction for any Time not exceeding Six Months, at the Discretion of such Justices, and that by Warrant under the Hands and Seals of Two or more Justices of the Peace.

*Buildings,
Use thereof.*

Surveyors to
obey Directions
of Referees.

Buildings near
dangerous
Businesses as
to Fire.

Distance from
Buildings.

New Businesses.

Prohibition
after Twenty
Years.

Fifty Pounds
Penalty, and
Costs.

Costs.

Distress;
or Imprisonment.

LIV. And

Buildings near
noxious Busi-
nesses as re-
gards Health.

LV. And now, for the Purpose of making Provision concern-
ing Businesses offensive or noxious, be it enacted, with regard to
the following Businesses, that is to say,

Blood-boiler,
Bone-boiler,
Fellmonger,

Soap-boiler,
Tallow-melter,
Tripe-boiler,

Slaughterer of Cattle, Sheep, or Horses,

and any other like Business offensive or noxious, so far as relates
to the Erection of Buildings in the Neighbourhood of any such
Business, and so far as relates to the carrying on of any such
Business in the Neighbourhood of any public Way, or of other
Buildings of the First or Dwelling House Class, That it shall not
be lawful hereafter to erect any Buildings of the First or Dwelling
House Class nearer to than Fifty Feet from any Building which
shall be in use for any such offensive or noxious Business; but if
a Building already existing within Fifty Feet be hereafter burnt,
pulled down, or destroyed by Tempest, such Building may be
rebuilt; and that it shall not be lawful for any Person to establish
or newly carry on any such Business, either in any Building or
Vault or in the open Air, at a less Distance than Forty Feet from
any public Way, or than Fifty Feet from any other such Build-
ings of the First or Dwelling House Class; and that if any such
Business be now carried on in any Situation within such Dis-
tances, then, from the Expiration of the Period of Thirty Years
next after the passing of this Act, it shall cease to be lawful to
continue to carry on such Business in such Situation, save as is
herein-after provided; and that if any Person erect any Building
in the Neighbourhood of any such Business contrary to this Act,
then, on Conviction thereof before Two Justices, he shall forfeit a
Sum not exceeding Fifty Pounds for every Day during which such
Building shall remain near to such offensive or noxious Business;
or if any Person establish anew any such Business, or carry on
any such Business contrary to this Act, then, on Conviction thereof
before Two Justices, such Person is hereby made liable to forfeit
for every Day during which such Business shall be carried on a
Sum not exceeding Fifty Pounds, as the said Justices shall deter-
mine, and that it shall be lawful for the Justices also to award to
the Prosecutor such Costs as shall be deemed reasonable; and that
if the Offender either fail or refuse to pay such Penalty and Costs
immediately after such Conviction, then they may be levied by
Distress of the Goods and Chattels of the Person convicted; or if
there be no such Distress, then such Person shall be committed to
the Common Gaol or House of Correction for any Time not exceed-
ing Six Months at the Discretion of such Justices, and that by
Warrant under the Hands and Seals of Two or more Justices of
the Peace.

Distance from
Buildings.

New Busi-
nesses.

Prohibition
after Thirty
Years.

Fifty Pounds
Penalty and
Costs.

Distress;

or Imprison-
ment,

The Penalty
herein-before
imposed to be
enforceable
only at a
Special Ses-
sions.

LVI. Provided always, and be it enacted, with regard to any
such offensive or noxious Business, whether such Business be
now carried on at a less Distance than Forty Feet from any
public Way, or than Fifty Feet from any other Building, or be
hereafter carried on at a greater Distance, yet so as to cause
Danger or Annoyance, so far as relates to the Mitigation of any
Penalty or Punishment for unlawfully carrying on thereof, That

every

every such Penalty herein-before imposed shall be enforceable only at a Special Sessions of the Peace summoned for that Purpose, or on an Appeal as herein-after provided, or on a Trial as herein-after provided; and that notwithstanding the said Term of Thirty Years shall have expired, if any Party charged with carrying on such Business show that in carrying on such Business all the Means then known to be available for mitigating the Effect of such Business in any such respect have been adopted, then it shall be lawful for such Justices to receive Evidence thereof, and according to such Evidence to mitigate the Penalty as to them shall seem fit: Provided further, with regard to such offensive or noxious Business, so far as relates to the Adoption of Means to mitigate the injurious Effects thereof, that, notwithstanding the said Period of Thirty Years shall have expired, if it shall appear to the Justices, whether at Petty Sessions as aforesaid, or on Appeal, or on Trial by Jury, as herein-after provided, that the Party carrying on any such Business shall have made due Endeavours to carry on the same with a view to mitigate, so far as possible, the Effects of such Business, then, although he hath not adopted all or the best Means available for the Purpose, yet it shall be lawful for such Justices assembled and they are hereby empowered to suspend the Execution of their Order or Determination, upon Condition that within a reasonable Time, to be named, the Party convicted do adopt such other or better Means as to the said Justices shall seem fit, or before passing final Sentence, and without consulting the Prosecutor, to make such Order touching the carrying on of such Business as shall be by the said Court thought expedient for preventing the Nuisance in future: Provided always, that if the Matter in respect of which such Penalty shall be incurred come before any Superior Court it shall be lawful for such Court to exercise such Power of mitigating such Penalty, or of suspending the Execution of any Judgment, Order, or Determination in the Matter, or to make such Order touching the carrying on of such Business, as to the Court shall seem fit in the Case.

LXVII. And be it enacted, with regard to any Business offensive, noxious, or dangerous, and with regard to any Building erected or continued within any such Distance as aforesaid from any such Business dangerous, noxious, or offensive, so far as relates to a Conviction in respect of any such Business and to an Appeal from such Conviction, That if any Person be dissatisfied with the Decision of such Justices, and if, within Four Days after such Decision, Notice be given to the Party appealed against, by or on behalf of such Person, of his Intention to appeal, and if he enter into a Recognizance, with Two sufficient Securities, conditioned to try such Appeal, and to abide the Order of the Court, and pay to the Party appealed against such Costs (if any) as shall be awarded against him, then it shall be lawful for such Party so dissatisfied to appeal against such Conviction to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden within Four Months after such Conviction for the Place in which such Premises shall be situate; and that if the Premises be situate within the City of London and Liberties thereof, then the

*Buildings,
Use thereof,*

Use of Means
to mitigate
Noxiousness of
Businesses.

Adoption of
Means to miti-
gate, after Con-
viction.

Mitigation of
Penalty by
Superior
Courts.

Conviction and
Appeal as to
certain Trades
not specified:

Recognizances.

Sessions.

*Buildings,
Use thereof.*

Proceedings.

Trial by Jury
at Quarter
Sessions.

Summoning
of a Jury.

6 G. 4. c. 50.

Witnesses.

View of the
Premises.

Verdict of
Jury.

Judgment
according to
Verdict;

Appeal must be to the Quarter Sessions thereof, or if the Premises be situate in the Counties of *Middlesex, Kent, or Surrey*, or in the City and Liberties of *Westminster*, or in the Liberties of Her Majesty's Tower of *London*, then to the Quarter Sessions thereof respectively, as the Case shall be; and that if within the above-mentioned Period such Appellant shall have entered into such Recognizance as herein required, and if within One Month thereafter he give Notice of the Grounds of such Appeal, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine on Oath into the Causes and Matters of such Appeal (which Oath they are hereby empowered to administer), and to determine the same, and to award such Costs to be paid by the said Parties as they think proper; and the Order, Judgment, and Determination of the said Justices in their respective Sessions shall be binding and conclusive upon all Parties.

LVIII. Provided always, and be it enacted, That if before Conviction by Two such Justices the Party complained against desire to have the Matter tried by a Jury, and enter into a Recognizance to try such Matter without Delay, and to pay all Costs of Trial if a Verdict be found against him, then such Matter may be tried at the next practicable Court of Quarter Sessions, or whensoever the Court shall appoint; and that thereupon, or on the Application of such Party, it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and required to issue their Warrant or Precept to the Sheriff or other proper Officer (as the Case may be), requiring him to return a competent Number of Persons qualified to serve on Juries according to the Provisions of an Act made in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, "for consolidating and amending the Laws relative to Jurors and Juries;" and that it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and empowered, by Precept, from Time to Time as Occasion may require, to call before them respectively every Person who shall be thought proper or necessary to be examined as a Witness before them on Oath concerning the Premises; and that if the said Court think fit it shall be lawful for them and they are hereby empowered to authorize the said Jury to view the Place in question in such Manner as they shall direct, and to command the Attendance of such Jury, and of all such Witnesses and Parties as shall be necessary or proper, until such Affairs for which they are summoned shall be concluded; and that the said Jury shall inquire and try, and determine by their Verdict, whether the Business in question be offensive or noxious, and whether the Party in question have done any Act whereby the Penalty hereby imposed in respect thereof has been incurred; and that, subject to the Power herein-before conferred of mitigating such Penalty, or suspending their Judgment, Order, or Determination thereon, or making such Order touching the carrying on of the Business aforesaid, the said Court of Quarter Sessions shall give Judgment according to such Verdict, and shall award the Penalty (if any) incurred by the Defendant, and shall and may (if they see fit) award to either of the Parties such Costs as they may deem reasonable; which Verdict, and the Judgment,

Award.

Award, Order, or Determination thereupon, shall be binding and conclusive.

and Judgment to be binding.

LIX. And be it enacted, with regard to any Appeal in respect of a Conviction for carrying on any such dangerous, offensive, or noxious Business, so far as relates to the Place where such Appeal is to be heard, That if the Appeal be to the General Quarter Sessions of the Peace for the County of *Surrey* or the County of *Kent*, then the Jury (if any) to be impannelled in pursuance of this Act, and all Parties required to attend the Quarter Sessions for the said Counties pursuant to such Application, shall be impannelled and required to attend at some general or special Adjournment of the said Quarter Sessions to be held within Six Weeks next after the original Sessions; and that if the Matter relate to the County of *Surrey*, then such Adjournment shall be to some convenient Place in the Borough of *Southwark* in the said County; and that if the Matter relate to the County of *Kent*, then such Adjournment shall be to some convenient Place in the Borough of *Greenwich* in the said County; and such Times and Places shall be appointed by the Justices of the said Counties respectively assembled at such original Sessions; and that from Time to Time every further Meeting of the said Sessions, for any thing to be done upon such Application, shall be appointed at or within the Space of Three Weeks from the last Meeting; and that from Time to Time it shall be lawful for the Justices of the Peace for the said Counties of *Surrey* and *Kent* respectively, and they respectively are hereby empowered and required, to make such Adjournment and hold such Sessions as there shall be Occasion.

Appeals to Quarter Sessions for Surrey and Kent:

To Sessions at Southwark:

To Sessions at Greenwich.

Further Meetings.

Adjournments.

LX. Provided always, and be it declared, with regard to any Business which is contrary to any existing Act of Parliament, or otherwise contrary to Law, so far as relates to the Operation of this Act in that Behalf, That, notwithstanding anything in this Act contained, this Act shall not be deemed to authorize any Person to carry on any such Business either within such Limits or otherwise, or any Business which it is unlawful to carry on within any Limits or in any Manner contrary to any public, local, or private Act of Parliament, or otherwise contrary to Law; nor to affect, abridge, or restrain the Right, the Duty, or the Power of any Person, whether private Person or public Officer, to prosecute, either civilly or criminally, any Person who shall carry on within the Limits of this Act any offensive, noxious, or dangerous Business.

Common Law and statutory Remedies not affected.

LXI. And further, for the Regulation or Removal of any offensive, noxious, or dangerous Business now carried on, be it enacted, with regard to any such Business, so far as relates to the Purchase thereof, or of the Premises wherein it shall be carried on, That if Two Thirds in Number of the inhabitant Householders of any Parish in which such Business shall be carried on present a Memorial to Her Majesty in Council, stating the Existence of such offensive, noxious, or dangerous Business in such Parish or the Neighbourhood thereof, and praying the Removal of such Business therefrom, and thereby engaging to provide Compensation to the Persons carrying on the same, either at the Expence

Regulation or Removal of Trades deemed Nuisances by Purchase: Memorial to Queen in Council.

*Buildings,
Use thereof.*

Order for Re-
moval.

Compensation.

4 & 5 Vict. c.12.

Unlawful to
continue such
Trades after
Purchase.

Funds for
defraying Com-
pensation.

Levy of Rate.

Exemption of
public Gas
Works.

of the Memorialists, or by means of a Rate to be levied on the Inhabitants of the said Parish, or such Part thereof as may be affected by such Business, then it shall be lawful for Her Majesty to refer the Matter to the Lords of the Committee of Privy Council for Trade to consider the Character of such Business, whether it be offensive, noxious, or dangerous; and if it appear to be so, and that there are no Means of rendering it otherwise by the Adoption of Methods available, without unreasonable Sacrifice on the Part of the Person by whom it is carried on, then it shall be lawful for Her Majesty, by Order in Council, to direct that the Removal of such Business may be purchased, either at the Expence of the Memorialists or by means of a Rate as aforesaid, as to Her Majesty shall seem fit, and also to direct the Sheriff of the County or other proper Person in the Parish or Liberty in which such Business is carried on to summon a Jury, according to the Provisions of an Act made and passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry Street to Long Acre, and for other Improvements in the Metropolis*, to determine what Compensation shall be paid to the Party carrying on such Business for the Removal thereof, and to the Owner and Occupier of the Premises for the Restriction of the Use of his Buildings for such Purpose; and that if within Three Months after the Verdict of such Jury shall be given, and Judgment thereon, the Inhabitants of such Parish or Neighbourhood pay or tender such Compensation, then within Three Months from the Payment or Tender of such Compensation it shall cease to be lawful for the Party carrying on such Business to continue the same, and for any Owner or Occupier thereof either to carry on or to permit to be carried on such Business in the same or any Part of the same Premises.

LXII. And be it enacted, with regard to the Funds for defraying such Compensation, so far as relates to the raising thereof, That if Her Majesty shall by such Order direct the Compensation to be paid by means of a Rate, then it shall be lawful for the Overseers of the Parish to raise such Sum as shall be necessary, either as a separate Rate in the Nature of Poor's Rate, or as Part of the Poor's Rate, on the Inhabitants at large of such Parish; or if in pursuance of the Memorial of the Inhabitants of such Part of the said Parish as shall be affected by the said Business it be appointed by such Order in Council that such last-mentioned Inhabitants do defray such Compensation, then it shall be lawful for the said Overseers to raise such Sum as shall be necessary for that Purpose; and that if such Rate be so levied either on the Inhabitants at large of such Parish, or on the Inhabitants of such Part thereof as aforesaid, then such Rate may be levied and recovered as Poor's Rates are leviable and recoverable.

LXIII. Provided always, and be it enacted, with regard to public Gas Works and other Works heretofore established within the Limits of this Act, so far as relates to the Operation of the Provisions of this Act in reference to Businesses dangerous in respect of Fire or Explosion, or offensive or noxious, That such Provisions

sions shall not be deemed to apply to any such public Gas Works; and that if by any Act of Parliament now in force relating to Gas Companies to which such Works belong any Extension of such Works, or any additional Works, or any other Works, be authorized to be erected or substituted, then such Provisions shall not be deemed to apply to any such Extension, Addition, or Substitution within the Limits of the District now lighted from such first-mentioned Works; and that such Provisions shall not be deemed to apply to any Premises entered or used for the Purpose of Distillation or the Rectification of Spirits under the Survey of the Commissioners of Excise or their Officers.

Extension or
Substitution
of Works.

Distilleries.

LXIV. And now, for the Purpose of dividing the District to which this Act is to apply into several smaller Districts, for the convenient Execution therein of this Act, and for appointing competent Surveyors for superintending the same in each such District, and for regulating the Duties of their Office, be it enacted, with regard to such Districts, so far as relates to the Appointment and Alteration thereof, That at any Time after this Act shall come into operation, and from Time to Time, it shall be lawful for the Lord Mayor and Aldermen of the City of *London*, with reference to the City of *London* and the Liberties thereof, and for the Justices of the Peace for the County of *Middlesex*, the County of *Surrey*, the County of *Kent*, the City and Liberties of *Westminster*, and the Liberty of Her Majesty's Tower of *London*, in their General Quarter Sessions respectively, or any Adjournment thereof, with reference to their respective Counties, City, and Liberties, and they respectively are hereby empowered, but subject, nevertheless, to the Consent of One of Her Majesty's Principal Secretaries of State, to appoint the Districts to which the respective Places within their Jurisdiction shall belong for the Purposes of this Act, and to unite, enlarge, and alter such Districts for the more convenient Distribution of the Business.

Surveyors,
their Districts
and Duties.

Appointment
of Districts.

LXV. And be it enacted, with regard to the Surveyors to be assigned to such Districts for the Purposes of this Act, so far as relates to their Appointment, That at any Time after this Act shall come into operation, and from Time to Time, it shall be lawful for the said Lord Mayor and Aldermen of the City of *London*, with reference to the City of *London* and the Liberties thereof, and for the said Justices of the Peace in their General Quarter Sessions respectively, or any Adjournment thereof, with reference to their respective Counties, and they are hereby required, but subject, nevertheless, to the Consent of One of Her Majesty's Principal Secretaries of State, to nominate and appoint as Surveyors such and so many discreet Persons, of the full Age of Thirty Years, and properly educated and skilled in the Art and Practices of Building, as they the said Lord Mayor and Aldermen and the said Justices shall think fit.

Appointment
of Surveyors.

LXVI. And be it enacted, with regard to such Surveyors to be hereafter appointed under this Act, except present District Surveyors appointed to new Districts, so far as relates to the ensuring the Possession of due scientific and practical Qualifications, That it shall be lawful for the Commissioners of Works and Build-

Practical
Qualifications
of Surveyors:

Examiners.

ings and they are hereby empowered to appoint Three or more Architects, Surveyors, or Builders to examine, together with the said Official Referees, any Persons who may present themselves to be examined for the Purpose of obtaining a Certificate of Qualification, with the view of becoming Candidates for the Office of Surveyors of Metropolitan Buildings of any District within the Limits of this Act; and that for that Purpose it shall be lawful for such Examiners from Time to Time to appoint such Times as to them may seem fit, and from Time to Time to prescribe such Course of Examination as to them may seem fit, and to make any other Rules for the Regulation of such Examination, and the granting of Certificates in respect thereof, subject nevertheless to the Approval of the Commissioners of Works and Buildings; and that when such Rules shall have been registered by the Registrar of Metropolitan Buildings they shall continue to be in force until they shall be amended, altered, or rescinded by other Rules to be made by such Examiners and so registered as aforesaid; and that unless, One Week before the Election of a Surveyor for any District created by this Act, or for any District in respect of which the Office of Surveyor may become vacant, there be produced by or on the Part of any Person being Candidate for the said Office a Certificate of such Examiners, certifying that he has been examined, and that he was thereby found to be duly qualified for such Office, to the Town Clerk of the City of *London*, or to the Clerk of the Peace for the County, City, or Liberty, it shall not be lawful for any Justices by this Act empowered to appoint Surveyors to appoint such Person to be such Surveyor, and that if such Person be so appointed his Election to such Office shall be void.

Examiners to prescribe Rules.

Production of Certificates of Examination.

Tenure of Office.

LXVII. And be it enacted, with regard to such Surveyors, so far as relates to the Tenure of their Office, That it shall be lawful for every such Surveyor and he is hereby entitled to hold such his Office of Surveyor during the Pleasure only of the said Lord Mayor and Aldermen and of the said Justices respectively.

Functions generally.

LXVIII. And be it enacted, with regard to such Surveyors, so far as relates to their Functions generally, That it shall be the Duty of every such Surveyor, and he is hereby required,—
To see that all the Rules and Directions of the Act are well and truly observed in and throughout his District; and for that Purpose,

To proceed from Time to Time, in due Course, upon the Receipt of any Notice, or if from Ignorance or Neglect, or from any other Circumstance, Notice of any Work intended to be done have not been given, then upon such Work being observed by or being made known to him, to inspect the Works intended to be done, or which shall have been commenced, and to cause all the Rules and Directions of this Act in respect thereof to be strictly observed; and also

To attend and perform every thing required of him by this Act, whether with or without Notice; and also

To inspect ruinous Buildings and Projections in danger, at all Times when needful, and to take all necessary Measures thereupon; and also

To survey all Buildings built, rebuilt, enlarged, or altered by or under the Superintendance of a District Surveyor within any other District to which he shall be appointed by the Official Referees for that Purpose; and also

*Surveyors,
their Districts
and Duties.*

To cause a Book for registering all Notices, Informations, and Complaints to be at all Times kept at his Office, and to enter in such Book every [Notice, Information, or Complaint which shall be delivered or made to him, and any Proceeding thereon by him taken.

LXIX. And be it enacted, with regard to such Surveyors, so far as relates to their Disqualifications, That during the Time that any such Person shall act as a Justice of the Peace for the County in which his District shall be situated it shall not be lawful for him and he is hereby disqualified from holding the Office of a Surveyor or of Deputy or an Assistant Surveyor for any District under this Act.

Disqualifica-
tions.

LXX. And be it enacted, with regard to the Surveyors who at the Time of this Act coming into operation shall have been appointed under the Act of the Fourteenth Year of the Reign of King George the Third, mentioned in the Schedule (A.) hereto annexed, so far as relates to their Continuance in Office, and the Application of this Act to them, That until they shall be removed it shall be lawful for them and they are hereby entitled to continue to be the Surveyors for the Purposes of this Act, and for the Districts assigned to them at the Time this Act shall come into operation, but subject to such Alteration of such Districts as may be made by virtue of any Power in that Behalf, and to act in all respects as if they had been appointed under this Act; and that every Provision in this Act applicable to District Surveyors, so far as relates to the Exercise of the Office of Surveyor, and to their Remuneration in that Behalf, shall apply to them.

Continuance
of present Sur-
veyors,
14 G. 3. c. 78.

Subject to this
Act.

LXXI. And be it enacted, with regard to every Surveyor hereafter appointed, so far as relates to making a Declaration of official Fidelity, That before any such Surveyor shall act in pursuance of this Act it shall be his Duty and he is hereby required to make a Declaration of official Fidelity, which must be administered by the said Lord Mayor and Aldermen in their Court of Aldermen, or by the said Justices of the Peace in their respective General Quarter Sessions, and must be in the Form or to the Effect following; (that is to say,)

Declaration
of official
Fidelity.

‘ I *A. B.*, being One of the Surveyors appointed in pursuance of an Act made and passed in the Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act, do solemnly declare, That I will diligently, faithfully, and impartially perform the Duties of my Office, and to the utmost of my Power, Skill, and Ability endeavour to cause the several Provisions of the said Act to be strictly observed, and that without Favour or Affection, Prejudice or Malice, to any Person whomsoever.’

Penalty for acting before Declaration made.

And that if before making such Declaration any such Surveyor act in pursuance of this Act, then on Conviction thereof he shall be liable to pay, for every Day during which he shall so act before making such Declaration, the Sum of Five Pounds.

Regulation of Duties :

LXXII. And be it enacted, with regard to the Surveyors, so far as relates to the Regulation of their official Duties, That it shall be the Duty of every Surveyor for the City of London and the Liberties thereof, and he is hereby required, to have an Office at his own Expence, in such public Situation as shall be approved by the Lord Mayor and Aldermen ; and that it shall be the Duty of every other Surveyor and he is hereby required to have an Office, at his own Expence, in some central Part of the District to which he shall be appointed, as shall be approved by the Justices of the Peace in Quarter Sessions within whose Jurisdiction he shall act ; and that it shall be the Duty of every such Surveyor and he is hereby required, by himself or by some other Person in his Behalf, to attend at his Office every Day (*Sundays, Christmas Day, and Good Friday* excepted) from Ten of the Clock in the Morning till Four of the Clock in the Afternoon ; and that immediately upon his Appointment, and from Time to Time upon every Change of his Residence or of his Place of Business, or oftener if required, it shall be the Duty of every Surveyor and he is hereby required to make a Return to the Registrar of Metropolitan Buildings, and to the Overseers of the Poor of every Parish or Place within his District, of his Name and Place of Abode, and the Place where such Office shall be.

Offices.

Attendance.

Return of Name and Residence.

Surveyor pro tempore.

LXXIII. And be it enacted, with regard to such Surveyor, so far as relates to the Appointment of a Deputy or Substitute in certain Cases, That if any Surveyor shall be prevented by *Illness* or any other unavoidable Circumstances from attending to the Duties of his Office, then forthwith it shall be his Duty and he is hereby required, but subject to the previous Consent and Approval of the Official Referees, to appoint some other Surveyor, duly qualified as aforesaid, as his Deputy, to perform all such his Duties for so long a Time as he shall be so prevented from executing them ; and that thereupon, during such Time as aforesaid, it shall be the Duty of such Deputy Surveyor and he is hereby required to perform all the Duties of such Surveyor, and that in all respects as if he were the Surveyor appointed or confirmed under this Act ; and that it shall be lawful for such Deputy Surveyor and he is hereby entitled to receive the Fees payable in respect of the Services so performed by him in such District.

Duty of Deputy.

Fees.

Vacancies.

LXXIV. And be it enacted, with regard to such Surveyors, so far as relates to the filling up of Vacancies, That if any Vacancy shall happen through the Death or Removal of any Surveyor, then, within One Month thereafter, it shall be the Duty of the Lord Mayor and Aldermen, or of the Justices of the Peace in General Quarter Sessions or any Adjournment thereof, as aforesaid, and they are hereby respectively required, to appoint a Successor as herein directed ; and that in the meantime it shall be lawful for the Official Referees to direct the Surveyor of any One or more of the other Districts to perform the Duties of Surveyor for

Occasional Services.

for the vacant District, or if no District Surveyor can be spared from his own District to appoint some other competent Person duly qualified as aforesaid for that Purpose; and that every such Surveyor is hereby entitled to receive the Fees payable in respect of the Services so performed by him in such vacant District.

Fees for Services.

LXXV. And be it enacted, with regard to the Surveyors, so far as relates to the Regulation of their Business, That if it shall appear to the Official Referees that the District appointed for any Surveyor is too extensive for the prompt Discharge of his Functions, then it shall be their Duty to represent such their Opinion to the Lord Mayor and Aldermen of the City of London, or to the Justices of the Peace with whom the Appointment of a Surveyor for that District may rest, and for that Purpose to transmit with their Letter of Representation a Transcript of their "Register of Notices," with the Results; and that if at any Time it appear to such Official Referees that on account of the Pressure of Business in any District, or on any other Account, the Surveyor of that District cannot discharge his Duties promptly as regards the Builders and others engaged in Building Operations, and efficiently as regards the Purposes of this Act, then it shall be lawful for such Official Referees and they are hereby empowered to appoint any other District Surveyor to assist the Surveyor of such District in the Performance of his Duties, or if no District Surveyor can be spared from his own District, then to appoint some other competent Person to give such Assistance; and that with regard to all Buildings surveyed by such Assistant Surveyor, and all other Acts done by him, it shall be the Duty of such Assistant Surveyor to make Returns and to act in all respects as if he had been appointed by the said Lord Mayor and Aldermen, or by the said Justices, to be the Surveyor of such District; and that every such Person shall be entitled to receive the Fees payable in respect of the Services so performed by him.

Regulation of Business.

Assistant Surveyors.

Duties of Assistants.

Fees.

LXXVI. And be it enacted, with regard to such Surveyors, so far as relates to the Supervision of Buildings built, rebuilt, enlarged, or altered by or under their professional Superintendence, That it shall not be lawful for any such Surveyor to survey any such Building for the Purposes of this Act, but that such Building must be surveyed by another District Surveyor, or by another Surveyor to be appointed by the Official Referees for that Purpose.

Superintendence of Surveyors.

LXXVII. And be it enacted, with regard to such Surveyors, so far as relates to their Remuneration, That upon the Expiration of One Month after the Roof of any Building erected and surveyed under this Act shall have been covered in, and all the Walls thereof have been built to their full Heights, and the principal Timbers and Floors shall have been fixed in their Places, and upon the Expiration of Fourteen Days after the Completion of any Addition, Alteration, and Repair, and upon the Expiration of Fourteen Days after each special Service shall have been performed, and upon delivering to the Owner of the Building an Account of the Fees incurred, and upon tendering a Receipt, signed with his Christian and Surname, and stating the Amount

Surveyor's Fees.

of

*Surveyors,
their Districts
and Duties.*

**Refusal of Pay-
ment.**

of such Account, and the Work done, it shall be lawful for the Surveyor and he is hereby entitled to receive from the Builder, or from the Owner or from the Occupier of the Building, for his Time and Trouble and Expences in causing the Rules, Regulations, and Directions of this Act to be observed, the several Fees specified in the Schedule of Fees (L.) hereunto annexed; and that if on Tender of such Receipt any Builder, Owner, or Occupier who shall become liable to pay any such Fee shall refuse to pay the same, then, upon Application to any Justice of the Peace, it shall be lawful for such Justice and he is hereby required to summon the Party complained of in the first instance, and if he do not appear, or if he fail to satisfy the said Justices as to the Refusal of Payment as aforesaid, it shall be lawful for such Justice and he is hereby required to issue his Warrant to levy the Amount of such Fee by Distress and Sale of the Goods and Chattels of the Party so refusing, in like Manner as Poor's Rates are by Law recoverable, and if such Fee be paid by the Occupier he shall be entitled to recover the Amount thereof from the Owner: Provided always, that if the Work in respect of which such Fee shall become payable have not been done in every respect agreeably to the Directions of this Act, then it shall not be lawful for any Surveyor to receive such Fee; and that if he shall so receive it, then, upon Application to the Official Referees by any Party interested in the Building in respect of which such Work shall have been executed, and upon its appearing that such Fee has been received wrongfully, it shall be lawful for such Official Referees and they are hereby authorized (if they think fit) to order the said Surveyor to refund such Fees.

**Fees to be paid
only for Work
done agreeably
to Act.**

**Refunding
Fees.**

**Surveyor's
Returns.**

LXXVIII. And be it enacted, with regard to such Surveyors, so far as relates to a Return of the Business done by them, and to the Inspection thereof, That within Seven Days after the First Day of every Month it shall be the Duty of every Surveyor and he is hereby required to make a Return to the Registrar of Metropolitan Buildings, enumerating therein the Number and Nature of all the several Works executed within the previous Month under his Supervision, and the Fees paid to him for the same, and also a Copy of the List or Register of Notices served upon him, with the Results thereof, and to keep in his Office a Copy of such Return; and that if any Person shall apply to inspect the same, then on the Payment of One Shilling it shall be open for Inspection at all reasonable Times; and with regard to such Return, so far as relates to the Authentication and Effect thereof, that every such Return must be signed by such Surveyor, and if so signed it shall be deemed to be a Certificate that all the Works enumerated therein have been done in all respects agreeably to this Act, according to the best of his Knowledge and Belief, and that they have been duly surveyed by him; but no such Return shall be any Protection from or Hindrance to any future Proceedings in respect of Works not executed according to the Provisions of this Act, though the same may have been done before the making of such Return.

**Inspection of
Returns.**

**Authentication
and Effect of
Returns.**

**Penalty for
Extortion, Neg-**

LXXIX. And be it enacted, with regard to every Surveyor, so far as relates to the Discharge of his Duties, That if any Surveyor

veyor demand or wilfully receive any higher Fee than he shall be entitled to under this Act, or if in his Capacity of Surveyor he receive a Fee for any Act or Omission in respect of which he is not entitled to receive any Remuneration, or if he refuse to refund any Fee wrongfully received by him in respect whereof the Official Referees shall have made an Order to that Effect, or if at any Time he wilfully neglect his Duty, or behave himself negligently or unfaithfully in the Discharge thereof, then and in every or any such Case it shall be lawful for any Person to present a Complaint in Writing under his Hand to the Lord Mayor and Aldermen of the City of London, or the Court of Quarter Sessions having Jurisdiction over the District for which such Surveyor shall act for the Time being, at any Sessions of the Peace, Quarter or General, either original, intermediate, or adjourned, and which Complaint shall set forth the Nature and Particulars of the Offence charged by the Complainant against any such Surveyor; and that the said Lord Mayor and Aldermen or Court of Sessions, as the Case may be, shall by Order of Court appoint a Time for the hearing of the said Complaint, and a Copy of which Order and of the said Complaint shall be served by or for the said Complainant on the said Surveyor Ten Days at the least before the Time appointed for the hearing of such Complaint; and the said Surveyor shall appear before the said Lord Mayor and Aldermen or Court of Sessions as the Case may be, at the Time and Place so appointed for hearing the said Complaint, to answer the same; and that if, upon the hearing of the Complainant and of the Surveyor, and the Evidence respectively produced by or for them, it shall appear unto the said Lord Mayor and Aldermen or Court of Sessions, as the Case may be, that such Complaint in whole or in part is well founded, then it shall be lawful for the said Lord Mayor and Aldermen, or the said Court of Quarter Sessions, as the Case may be, and they are hereby respectively required, either to fine such Surveyor in such Sum of Money not exceeding Fifty Pounds as they shall think fit, or to discharge him forthwith from his said Office; and that if for any such Cause such Surveyor be discharged, he shall be incapable of being again appointed a Surveyor for the Purposes of this Act.

ligence, or Unfaithfulness.

Complaint to Justices.

Proceedings thereon.

Decision.

Incapacitation of Surveyor.

Official Referees.

Appointment of Two Official Referees.

Tenure of Office.

LXXX. And now, for the Purpose of providing for the Appointment of competent Official Referees to superintend the Execution of this Act throughout all the Districts to which it is applicable, and also to determine sundry Matters in question incident thereto, as well as to exercise, in certain Cases, a Discretion in the Relaxation of the fixed Rules and Directions of this Act, where the strict Observance thereof is impracticable, or would defeat the Object of this Act, or would needlessly affect with Injury the Course and Operation of this Branch of Business, be it enacted, with regard to the Official Referees, so far as relates to their Appointment, to their Qualifications, and to the Tenure of their Office, That it shall be lawful for One of Her Majesty's Principal Secretaries of State and he is hereby empowered to appoint Two Persons, being of the Profession of an Architect or Surveyor, to be Official Referees of Metropolitan Buildings, and from Time to Time, as he shall think proper, to remove such

Official

Not to act as Surveyors.

Official Referees, and in their Place to appoint other Persons so qualified; and that while any such Person shall so hold the Office of Official Referee it shall not be lawful for such Person and he is hereby expressly prohibited to act as Surveyor, either alone or with any Partner or by an Agent, or to act as Official Referee in the Case of any Building or Matter in which he shall act as Architect; and that if an Official Referee be employed as Architect as to any Building or Matter within the Limits of this Act, then it shall be the Duty of such Official Referee, and he is hereby required to report thereon to the Commissioners of Works and Buildings; and thereupon it shall be the Duty of such Commissioners of Works and Buildings and they are hereby required to appoint some other competent Person to act in conjunction with the Official Referee as to such Building or Matter.

Temporary Official Referee.

Their Functions generally.

LXXXI. And be it enacted, with regard to such Official Referees, so far as relates to their Functions generally, That it shall be the Duty of such Official Referees and they are hereby required to superintend the Execution of this Act by the several District Surveyors already existing or hereby authorized to be appointed, and to perform the several Matters to them respectively assigned by the Provisions of this Act, and to determine all Questions referred to them, whether expressly by this Act or at the Instance of any One or more of the Parties concerned.

Matters of Reference.

LXXXII. And be it enacted, with regard to the Official Referees, so far as relates to their Jurisdiction, That if any Doubt, Difference, or Dissatisfaction in respect of any Matter within the Limits of this Act arise between any Parties concerned, or between any Party and any Surveyor, or between any Two Surveyors, as to any Act done or to be done in pursuance of this Act, or as to the Effect of the Provisions thereof in any Case, or as to the Mode in which the Provisions and Directions of this Act are or ought to be carried into effect, and particularly as to whether the Requirements implied in Terms of Qualification applied to Sites, to Soils, to Materials, or to Workmanship, or otherwise, and denoting good, sound, fire-proof, fit, proper, or sufficient, are fulfilled in certain Cases, or as to the District in which any Building, Matter, or Thing is to be deemed to be situate, especially in Cases where such Building, Matter, or Thing is partly in one District and partly in another, or as to the Expences to be borne by the respective Owners of Premises parted by the same Party Walls, or the Proportions thereof, or as to the Proportions of the Expence to be borne by the Occupier or by the Owners of Premises in respect of any Work executed, or any other Matter whatever, then it shall be lawful for any Party concerned and he is hereby entitled to require the Official Referees to determine such Matter, but so that such Requisition be made in Writing, and that it set forth, either generally or otherwise, the Matters in respect of which the Determination of the Official Referees is required; and that the Determination of such Referees, or of One of such Referees, with the Assent of the Registrar of Metropolitan Buildings, as to all or any of the Points in difference on which such Referees shall make their Award, and as to the

One Referee may act.

Costs,

Costs, Charges, and Expences of such Reference, shall be binding on all Parties to such Reference.

*Official
Referees.*

LXXXIII. And be it enacted, with regard to the Official Referees, so far as relates to their Authority in respect of any Reference to them, and to the Effect of their Award upon the Rights and Interests of the Owners and Occupiers of Property, That it shall be lawful for such Referees and they are hereby empowered to exercise all such Powers of Arbitrators as they would have had in case they had been appointed under an Order of Her Majesty's Court of Queen's Bench at *Westminster*; and that if such Award be given in Writing, and be sealed by the Official Seal of the Registrar of Metropolitan Buildings, it shall be as effectual as if made under an Order of Reference by such Court, and shall be enforced by the said Court in all respects as if made under an Order of such Court; and that it shall be binding and conclusive against every Person, including the Queen's Majesty, Her Heirs and Successors, claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of the said Premises or any Part thereof, either in possession, reversion, remainder, or expectancy, and against every other Person whomsoever.

Award and
Powers of
Referees.

Legal Effect
of Awards.

Effect as to
Persons.

LXXXIV. And be it enacted, with regard to any Reference to the said Official Referees, so far as relates to the Revocation of their Authority, That the Power and Authority of the Official Referees shall not be revocable by any Party to such Reference, without the Consent of all Parties thereto; and that although any Party shall not attend upon such Reference it shall be lawful for such Official Referees to proceed with the Reference, and to make their Award.

Revocation of
Authority of
Referee.

Not to affect
their Award.

LXXXV. And be it enacted, with regard to such Reference, so far as relates to the Evidence of any Matter thereof, That it shall be lawful for the Official Referees and they are hereby empowered, by their Summons in Writing sealed with the Seal of Office of the Registrar of Metropolitan Buildings, to require the Attendance of any Person who may be able to give Evidence in the Matter of any Reference to them, and to require by such Summons the Production of any Documents to be mentioned therein; and that if, in addition to the Service of such Summons, an Appointment of the Time and Place of Attendance in obedience thereto, signed by One at least of the Official Referees before whom the Attendance is required, be also served, either together with or after the Service of such Summons, then, if the Party so summoned do not attend in obedience thereto, such Party shall be liable to be proceeded against as for a Contempt of Court; and that every Person whose Attendance shall be required shall be entitled to the like Conduct Money and Payment of Expences as for and upon Attendance at any Trial; and that no Person shall be compelled to produce under any such Summons any Writing or other Document that he would not be compelled to produce at a Trial, or to attend on more than Two consecutive Days to be named in such Summons; and that it shall be lawful for the Official Referees and they are hereby respectively authorized and required to administer an Oath to such Witnesses as may come before them, or, in Cases where

Taking of
Evidence by
the Official
Referees.

Appointment
of Time and
Place.

Compensation
for Attendance.

Production of
Documents.

Administration
of Oaths.

Penalty for
false Evidence.

where Affirmation is allowed by Law instead of an Oath, to take their Affirmation; and that if upon such Oath or Affirmation any Person making the same wilfully and corruptly give false Evidence, then every Person so offending shall be deemed to be guilty of Perjury.

Effect of
Awards as
Evidence.

LXXXVI. And be it enacted, with regard to such Award, so far as relates to the Effect thereof as Evidence of the Matter thereof, That if on the Trial or Hearing of any Cause or Matter in any Court of Law or Equity, or elsewhere, any Copy of an Award, signed and sealed with the Seal of the said Registrar, be produced, then it shall be the Duty of all Judges, Justices, and others, and they are hereby required, to receive the same as *prima facie* Evidence of the Matters therein contained.

Declaration of
official
Fidelity.

LXXXVII. And be it enacted, with regard to the Official Referees, so far as relates to the Declaration of official Fidelity, That before any Official Referee shall act in pursuance of his Appointment it shall be his Duty and he is hereby required to make the following Declaration, to be administered by the Chief Baron or any other of the Barons of Her Majesty's Court of Exchequer; that is to say,

‘ I *A. B.* do solemnly declare, That I will diligently, faithfully, and impartially execute the Duties of an Official Referee in relation to Matters arising under the Provisions of the Act made and passed in the Eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act.’

Regulation of
Business of the
Official Re-
ferees.

LXXXVIII. And be it enacted, with regard to such Official Referees, so far as relates to the Regulation of the Business of their Office, That when any Matter is by this Act required, directed, or permitted to be done by the Official Referees the same may be done by either of them, with the Assent of the Registrar of Metropolitan Buildings, unless express Provision to the contrary be made, and if done by any one of them with such Assent it shall be as valid and effectual as if done by both of them; and that, subject to such Restrictions and Regulations as may be made in that Behalf by the Commissioners of Works and Buildings, it shall be lawful for the Official Referees to appoint one of their Number, under their Hands and the Seal of the Registrar of Metropolitan Buildings, to make any Inquiry or any Survey which shall appear to them either necessary or expedient in order to enable them to determine any Matters in reference.

Official Re-
ferees may dele-
gate Powers.

Registrar of
Metropolitan
Buildings.

Appointment
of Registrar.

LXXXIX. And for the Purpose of duly recording Relaxations of the Requisitions of this Act, made in pursuance of the Provisions hereof in that Behalf, and of providing for the Revision from Time to Time both of such Relaxations and Requisitions, and of providing against the partial Exercise of the Powers of this Act, and for the more effectual providing for the due recording of the Acts of the Official Referees, and for exercising a due Control thereof, be it enacted, That it shall be lawful for the Commissioners of Works and Buildings and they are hereby authorised and required to appoint a Registrar of Metropolitan Buildings; and that such

Registrar shall hold his Office during the Pleasure of the said Commissioners; and that, subject to the Provisions of this Act, it shall be lawful for the said Commissioners to make Rules for regulating the Execution of the Duties of the Office of the said Registrar; and that it shall be the Duty of such Registrar to keep a Seal and to affix such Seal to all Documents made by the said Official Referees, and required to be sealed, and to keep all the Documents and Records relating to the Business of their Office, and to register the same: Provided always, with regard to such Registrar, so far as relates to the affixing the Seal of Office to any Document, that if it shall appear to the said Registrar that any such Documents are contrary to Law, or not complete in any of the requisite Forms or beyond the Competence of the said Official Referees, either with regard to the Provisions of this Act, or any Rules or Regulations prescribed for their Guidance by the said Commissioners of Works and Buildings, then it shall be the Duty of the said Registrar to refuse to affix the Seal, and that thereafter, if the said Official Referees shall so require, it shall be his Duty and he is hereby required to report the Matter and the particular Grounds and Reasons for his Refusal, to the said Commissioners; and that upon the Receipt of such Report it shall be lawful for the said Commissioners to authorize the said Registrar to affix the Seal, or to confirm his Refusal: Provided always, with regard to such Office of Registrar, so far as relates to the Execution of his Duties in certain Events, that if such Registrar be ill, or otherwise unable to discharge the Duties of his said Office, or if he be absent, then it shall be lawful for the said Commissioners of Works and Buildings to appoint some other Person to act temporarily in his Behalf, and to assign to such Person such Part of the Remuneration of the said Registrar, or otherwise to remunerate him, as the Lords of the Treasury shall appoint in that Behalf.

Tenure of Office.
Rules of Office.
Seal of Office.

Use of Seal of Office.

Report of Objections by Registrars.

Authority of Commissioners of Works.
Interim Registrar.

Xc. And be it enacted, with regard to the Registrar, so far as relates to the Declaration of official Fidelity, That before any Registrar shall act in pursuance of his Appointment it shall be his Duty and he is hereby required to make the following Declaration, to be administered by the Chief Baron or any other of the Barons of Her Majesty's Court of Exchequer; that is to say,

Declaration of official Fidelity.

‘ I A. B. do solemnly declare, That I will diligently, faithfully, and impartially execute the Duties of Registrar in relation to Matters arising under the Provisions of an Act made and passed in the Eighth Year of the Reign of Her Majesty Queen Victoria, intituled *An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood*, and commonly called the Metropolitan Buildings Act.’

Xci. And be it enacted, with regard to such Awards, Certificate, and other Records of the said Official Referees, so far as relates to the Custody and the Inspection thereof, That all such Awards, Certificates, and other Documents relating to the Business of their Office shall be kept in the Office of the Registrar of Metropolitan Buildings; and that if, for the Purpose of Evidence or otherwise, any Party require a Copy of such Award, or Certificate,

Custody and Inspection of Records of Official Referees.

Copies of Awards, Certificates, &c.

*Registrar of
Metropolitan
Buildings.*

Authentication
of Copy, and
Fees therefor.

Office of Re-
gistrar, and
Regulation of
Business.

Registration of
Awards, &c.

Remuneration
of Official Re-
ferees and
Registrar.

Disqualificat' on
of Official Re-
ferees and
Registrar.

Offices vacant.

or other Document, or to inspect the same, then on Payment of the Expence thereof, and of such Fees as may be appointed in that Behalf, it shall be lawful for such Party and he is hereby entitled to demand from the Registrar an Inspection thereof, or a Copy thereof or Extract therefrom; and that on such Payment and Demand it shall be the Duty of such Registrar and he is hereby required to give, under his Hand and Seal of Office, a Copy of any such Award or any other Document to the Person so demanding the same.

XCII. And be it enacted, with regard to the Registrar of Metropolitan Buildings, so far as relates to his Office or Place of Business, and to the Regulation of the Business thereof, That it shall be lawful for the Commissioners of Works and Buildings and they are hereby required to appoint, in some central and convenient Situation within the City of *London* or the City of *Westminster*, an Office for carrying on the Business of the Registrar of Metropolitan Buildings, and registering all Documents relating to such Business; and in such Office it shall be the Duty of such Registrar, and he is hereby required,—

To keep a Register of all Matters referred to the Official Referees, and otherwise of all Matters which shall come under their Cognizance in pursuance of this Act; and also

To keep and preserve all Documents connected with the Duties of Official Referees; and also

To receive all Notices requiring any Act to be done by them, and to file and number them in the Order in which they are received.

XCIII. And be it enacted, with regard to all the Awards and Certificates, and all Documents relating to the Business of the Official Referees, so far as relates to the Registration thereof, That the same shall be registered, not only chronologically in the Order in which they are received, but according to the Subject Matters thereof, and also according to the Order of and in relation to the Provisions of this Act.

XCIV. And be it enacted, with regard to such Official Referees and Registrar, so far as relates to their Remuneration, That it shall be lawful for Her Majesty to grant to each of such Official Referees and the said Registrar a Salary not exceeding One thousand Pounds by the Year, in Four equal quarterly Payments; and that if any such Official Referee or such Registrar shall be appointed, or shall die, resign, or be removed from Office, in the Interval between Two quarterly Days of Payment, then he shall be entitled to a proportionate Part of the Salary for the Period of such Interval during which he shall hold such Appointment.

XCV. Provided always, and be it enacted, with regard to the said Official Referees and Registrar, so far as relates to their Qualifications, That if any Person be or become Commissioner, Receiver, Steward, or Agent for or on behalf of any Owner of Houses within the Limits of this Act, then such Person shall not be eligible to the Office either of Official Referee or of Registrar under this Act; and that if after having been appointed thereto he shall become such Commissioner, Receiver, Steward, or Agent, then

then he shall cease to be qualified to hold such Office of Official Referee or Registrar, and thereupon such Office shall be vacant, without Prejudice, nevertheless, to any Acts done by any such Person in his Capacity of Official Referee or Registrar, so far as other Persons are affected thereby.

*Register of
Metropolitan
Buildings.*

XCVI. And forasmuch as the Services of such Official Referees and of such Registrar will be employed chiefly on behalf of the Localities comprised within the Limits of this Act, it is expedient to provide for the Payment of a Portion of their Salaries by means of a County Rate, or by a Rate in the Nature of a County Rate, on such Localities, in proportion to the assessed Value of inhabited Houses and Buildings therein, or as near thereto as may be; now, for that Purpose, be it enacted, with regard to such Official Referees and Registrar, so far as relates to the Payment of a Portion of their Salaries out of local Funds, That it shall be lawful for the Lord Mayor and Aldermen of the City of London and they are hereby required to direct the Chamberlain of the said City, and for the Justices of the Peace for the several Counties of *Middlesex, Surrey, and Kent*, and they are hereby respectively required, to direct the Treasurer of such respective Counties to pay, by Two half-yearly Payments in the Months of *June and December* in every Year, to or into the Hands of the Cashier of the Commissioners of Works and Buildings, on account of the said Official Referees and of the said Registrar, the several Sums of Money herein-after mentioned, as and by way of Contribution to such Salaries; that is to say,

Funds for defraying Expenses of the Official Referees and Registrar.

The City of London and the Liberties and the Suburbs thereof, the Sum of	£	
The County of <i>Middlesex</i>	-	100
The County of <i>Surrey</i>	-	1,000
The County of <i>Kent</i>	-	320
		80
		<hr/>
		£1,500
		<hr/>

And it shall be lawful for the said Justices and they are hereby empowered and required to cause the same to be levied by a Rate upon the several Parishes and Places within the Limits of this Act, in such Amounts as to such Justices may seem proper, having regard to the assessed Value of the inhabited Houses and the Buildings in such Places respectively, in addition to the County Rate in respect thereof; and that for the Purpose of levying such Sums they shall be deemed to be Part of the County Rate, and leviable by all the Ways and Means by which a County Rate is leviable, and subject in all respects to the legal Incidents of a County Rate.

Nature of Levy.

XCVII. And be it enacted, further, with regard to the Official Referees and Registrar, so far as relates to the Payment of the Balance of their Salaries, That such Balance shall be payable and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Payments of Official Referees out of Consolidated Fund.

XCVIII. And be it enacted, with regard to the Fees payable to the Registrar, so far as relates to the Appointment thereof, and

Fees of Office, and Application thereof.

*Register of
Metropolitan
Buildings.*

Balance to
Consolidated
Fund.

Regulations as
to Fees.

List of Fees
to be hung up.

*Officers
generally.*

Appointments
of Officers sub-
ject to Regu-
lation by any
future Act.

*Legal
Proceedings.*

Informalities
in Distress.

Action for
Damages.

Tender of
Amends.

to the Application thereof, That from Time to Time it shall be lawful for the Commissioners of the Treasury to appoint such Fees to be paid in respect of the Services to be performed by the said Official Referees or by the said Registrar as shall be deemed requisite to defray the Expences of the said Office, or incident to such Services, and the Salaries or other Remuneration of any Persons employed under the Registrar in the Execution of this Act, with the Sanction of the Commissioners of the Treasury, and which are not otherwise provided for by this Act; and that the Balance, if any, shall be carried to the Consolidated Fund of the United Kingdom, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster*; and that it shall be lawful for the Commissioners of the Treasury to regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for; and that it shall be the Duty of the Registrar and he is hereby required to cause a List of the Fees so appointed by virtue of this Act to be fixed up in some conspicuous Part of his Office.

XCIX. Provided always, and be it enacted, with regard to the Officers appointed by or by virtue of this Act, so far as relates to the Functions, Appointment, and Tenure of Office of such Officers, That any Appointments to such Offices which shall be made by virtue of this Act shall be made subject to any Provision that may be made by any Act of Parliament hereafter to be passed for assigning other Duties than those to be imposed by virtue of this Act; and such Offices shall be held not only subject to the Pleasure of the Officers and Justices by whom such Appointments shall be made, but also subject to the Provisions of any future Act of Parliament in relation thereto.

C. And now, for the Purpose of regulating sundry legal Proceedings, be it enacted, with regard to any Distress for any Sum of Money to be recovered by virtue of this Act, so far as relates to the remedying of any Damage occasioned by any Irregularity therein or in reference thereto, That, notwithstanding there be any Defect of Form in the Proceedings relative to any such Distress, neither the Distress itself shall be deemed unlawful, nor shall the Party making the same be deemed a Trespasser *ab initio*, but that if any Irregularity be committed by any Party, then, subject to the Conditions in this Act prescribed with regard to Actions brought for any thing done in pursuance thereof, it shall be lawful for the Person aggrieved by such Irregularity and he is hereby entitled to recover full Satisfaction for the special Damage only, and that by Action on the Case, and not by any other Action whatsoever.

CI. And be it enacted, with regard to any Action for any Irregularity or other Proceeding, so far as relates to the Tender of Amends, or Payment of Money into Court in respect thereof, That if, before such Action be brought, the Party who committed or caused to be committed any such Irregularity or wrongful Proceeding make or cause to be made Tender of sufficient Amends, then the Plaintiff shall not be entitled to recover in such Action; and that although such Tender shall not have been made, yet if

at

at any Time before Issue joined the Court in which such Action shall be depending, or a Judge of any of the Superior Courts, grant Leave, then it shall be lawful for the Defendant to pay into Court any Sum of Money, by way of Compensation or Amends, in such Manner, and under such Regulations as to the Payment of Costs and the Form of pleading, as is and are customary and in force in the said Superior Courts.

Payment of
Compensation
into Court.

CII. And be it enacted, with regard to every Sum of Money by this Act, or by any Award or Certificate or other Proceeding in pursuance of or in accordance with this Act, charged upon any Person in respect of any Work done in pursuance of or in accordance with this Act, so far as relates to the Recovery of such Sum of Money, That if any Party claim any such Sum of Money, then it shall be lawful for any One Justice of the Peace to summon the Person on whom such Sum is alleged to be charged before any Two Justices, or, if the Matter arise within the District of the Metropolitan Police, then before any Police Magistrate having Jurisdiction within that District; and if such Award or Certificate be produced, or if such other Proceeding be proved by the Oath of the Party claiming or of any other credible Witness, and if it be proved by the Oath of such Party or other Witness that such Sum of Money is still due, then it shall be lawful for such Justices or such Police Magistrate, and they respectively are hereby required, to issue a Warrant to levy the Amount thereof, and also the Costs of the Proceeding, to be levied by Distress of the Goods and Chattels of the Person in default; and if such Person have no Goods and Chattels whereon to distrain, or if such Goods and Chattels be insufficient for that Purpose, then it shall be lawful for such Justices or Police Magistrate, or for any other Justice or Police Magistrate, to commit the Person in default, until the Amount of such Sum so due, and of such Costs, shall have been fully paid, or until the Party shall be discharged by or in accordance with the Provisions of any Act for the Relief and Discharge of Insolvent Debtors.

Recovery of
Money under
Awards.

Distress.

Imprisonment.

CIII. And be it enacted, with regard to all Offences against the Provisions of this Act for which no other Proceeding is provided, so far as relates to the Prosecution thereof, That it shall be lawful to proceed by Complaint before any One Justice of the Peace or before a Police Magistrate as aforesaid; and that it shall be lawful for such Justice to summon the Party against whom such Complaint shall be made; and that if such Party fail to appear in pursuance of such Summons, then it shall be lawful for such Justice or Magistrate, or any other Justice or Magistrate, to issue a Warrant under his Hand and Seal to compel the Appearance of such Party; and that on Conviction of the Offender before Two Justices or before any Police Magistrate it shall be the Duty of such Justices or Magistrate and they are hereby required to cause the Amount of the Penalty hereby imposed in respect of such Offence, and of the Costs of any such Proceeding in respect of such Offence, to be levied by Distress of the Goods and Chattels of the Offender; and that if such Offender have no Goods and Chattels whereon to distrain, or if they be insufficient

Prosecution of
Offences.

Complaint.

Summons.

Compulsory
Appearance.

Distress.

Imprisonment.

*Legal
Proceedings.*

insufficient for that Purpose, then it shall be lawful for such Justices or Magistrate, or for any other Justice or Magistrate, and they are hereby empowered, either on failure of such Distress, or in the first instance, to commit the Offender, for any Period not exceeding Three Months, or till he shall have paid the full Amount of such Penalty and such Costs.

Removal of
Orders, &c.
into Superior
Courts.

CIV. And be it enacted, with regard to every Order which shall be made by virtue of or under this Act, and to any other Proceeding to be had touching the Conviction of any Offender against this Act (except Proceedings touching the Conviction of any Person offending for carrying on a Trade or Business offensive, noxious, or dangerous, contrary to this Act, otherwise than those herein-before specified), That it shall not be lawful for any Person to remove such Order or other Proceeding by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster*; and every such Order and other Proceeding is hereby declared not to be so removable.

Certiorari.

Appeal from
Convictions as
to Penalties.

CV. And be it enacted, with regard to any Conviction for any Offence in respect of which a Penalty is by this Act imposed, so far as relates to the Appeal from any such Conviction in respect thereof, That if any Party be dissatisfied with the Decision of the Justices in any Case in which such Penalty may be proceeded for, and if within Four Days after such Decision Notice be given by or on behalf of such Party to the Party appealed against of his Intention to appeal against such Decision, and of the Grounds of such Appeal, and if the Appellant enter into a Recognizance, with Two sufficient Sureties, conditioned to prosecute such Appeal, and to abide the Order of the Court, and to pay to the Party appealed against such Costs (if any) as shall be awarded against him, then it shall be lawful for such Party so dissatisfied to appeal against such Conviction to the Justices of the Peace at their General Quarter Sessions of the Peace to be holden within Four Months after such Conviction; and that if within such Period of Four Days such Appellant have entered into such Recognizance as is herein required, then it shall be lawful for such Justices and they are hereby empowered to proceed to hear and examine on Oath into the Cause and Matters of such Appeal (which Oath they are hereby empowered to administer), and to determine the same, and to award such Costs to be paid by either of the said Parties as they think proper; and the Order, Judgment, and Determination of the said Justices shall be binding and conclusive.

Proceedings
thereon.

Limitation of
Actions for
Penalties.

CVI. And be it enacted, with regard to every Penalty or Forfeiture incurred under this Act, so far as relates to the Limitation of Proceedings for the Recovery thereof, That if within Six Calendar Months next after such Penalty or Forfeiture shall have been incurred an Action or Prosecution be not brought or commenced against the Person liable in respect thereof, then thereafter it shall not be lawful for any Person to bring such Action or commence such Proceeding in respect of such Penalty or Forfeiture.

Recovery of
Penalties.

CVII. And be it enacted, with regard to every such Penalty or Forfeiture, so far as relates to the Recovery and the Appropriation

priation thereof, That it shall be lawful for any Party to sue or proceed for the same; and that if such Penalty be not otherwise specially appropriated, then the Person so suing or proceeding shall be entitled to receive one Half thereof for his own Benefit, and the other Half shall be applied to Her Majesty's Use, and shall be paid to the Sheriff of the County, City, or Town where the same shall have been imposed; and that all Convictions before Justices shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, and shall be paid to the Sheriff of the County, City, or Town, and shall be duly accounted for by him.

Appropriation.

3 G. 4. c. 46.

CVIII. And for regulating Proceedings against Persons acting in pursuance of this Act, be it enacted, with regard to any Action or Suit against any Person in respect of any Act or Thing done or intended to be done in pursuance of this Act, so far as relates to the Limitation thereof, and to the Notification thereof to the offending Party, and to the Venue thereof, and to the Pleadings therein, and to the Evidence of the Matters thereof, and to the Verdict therein, and to the Judgment of the Court thereon, and to the Costs of such Action, and to the Recovery of such Costs, That after the Expiration of Six Months next after the Fact committed it shall not be lawful to bring any such Action or Suit against any Person in respect of any such Act; and that if, Twenty-one Days at the least before the Commencement of the Action or Suit, Notice in Writing of an Intention to bring such Action or Suit, and of the Grounds of Action, be not given to every Person against whom such Action or Suit shall be brought, then it shall not be lawful for any Person to bring any such Action or Suit against any Person in respect of any such Act; and that if the Cause or Matter of any such Action or Suit arise within the said City of *London* or the Liberties thereof then such Action or Suit must be laid in the City of *London*, and not elsewhere; and that if the Cause of any Action or Suit arise in any Part of the Limits aforesaid out of the said City of *London* and Liberties thereof then it must be laid and tried in the County of *Middlesex*, and not elsewhere; and that in every such Action or Suit it shall be lawful for the Defendant and he is hereby entitled to plead the General Issue, and at the Trial to be had thereof to give this Act and the special Matter in Evidence, and to prove that the Matter or Thing for which such Action or Suit is brought was done in pursuance and by the Authority of this Act; and that if upon the Trial of such Action it appear that the said Matter or Thing has been done by the Authority or in pursuance of this Act, or if it appear that such Action or Suit was brought before the Expiration of Twenty-one Days after such Notice given as aforesaid, or if it appear that sufficient Satisfaction was made or tendered before such Action was brought, or if upon Plea of Payment of Money into Court it shall appear that the Plaintiff has not sustained Damages to a greater Amount than the Sum paid into Court, or if any such Action or Suit be not commenced within

Regulation of Actions against Persons acting under this Act.

Limitation of Action.

Notice of Action.

Venue in London.

Venue in Middlesex.

Plea and Evidence.

Verdict.

*Legal Proceedings.**Costs.*

the Time herein for that Purpose limited, or if it be laid in any other County or Place than as aforesaid, then and in every such Case it shall be the Duty of the Jury and they are hereby required to find for the Defendant; and that if a Verdict be found for the Defendant, or if the Plaintiff in any such Action or Suit become nonsuited, or discontinued or suffer a Discontinuance of any such Action or Suit, or if Judgment be given for the Defendant therein, on Demurrer, or by Default or otherwise, then the Defendant shall be entitled to have Judgment to recover full Costs of Suit, and to such Remedy for recovering the same as any Defendant shall have by Law.

Security for Costs.

CIX. And further, for the Prevention of vexatious Litigation, be it enacted, with regard to every Action in respect of any Matter or Thing done or intended to be done in pursuance of this Act, so far as relates to the Costs of such Action, That if the Defendant apply to the Superior Court at *Westminster* in which such Action is pending, or to any Judge of any of the said Courts, then it shall be lawful for such Court or any such Judge to require the Plaintiff to give such Security as such Court or Judge shall think fit for the Payment of all Costs, Charges, and Expences incurred or to be incurred in and about the said Action, and which shall be or become payable by him on the Taxation thereof by the proper Officer.

Prosecutions for preventing Neglect or Evasion of this Act.

CX. And be it enacted, with regard to any Penalty or Forfeiture incurred by any Default in complying with the Provisions of this Act, so far as relates to Proceedings for the Recovery thereof, That at any Time within Three Months after such Penalty or Forfeiture shall have been incurred it shall be lawful for any Surveyor appointed or confirmed by virtue of this Act, and all other Persons, and they are hereby entitled, to commence and prosecute Proceedings for the Recovery thereof, or for the Recovery of the Expences of pulling down or altering of any Building, against any Owner, Occupier, Builder, Workman, or other Person, or for any Default made in complying with the Provisions of this Act: Provided always, that if such Proceedings be taken by any Person except one of the Surveyors, or except the Official Referees, then Seven Days Notice of the Intention to commence such Proceedings must be given at the Office of the Surveyor of the District, and at the Office of the Registrar of Metropolitan Buildings.

*Notice of Action.**Miscellaneous.**Liability of Owners and Occupiers for Expences, &c. under this Act.*

CXI. Provided always, and be it enacted, with regard to the Owners of any Building, Fence, Ground, Land, or Tenement, so far as relates to their Liabilities in respect of Expences incurred in respect of such Premises or otherwise, That in all Cases, whatever may be the Nature of the Interest in any such Premises of the Person entitled to the immediate Possession thereof, or of the Occupier thereof, such Person entitled to the immediate Possession of such Premises, or such Occupier, shall in the first instance bear all Costs and Expences by this Act imposed on the Owner thereof, and shall perform all Duties by this Act imposed on such Owner: subject, nevertheless, to any Right or Claim which such Person or such Occupier may have to be repaid such Costs and Expences,

and to be indemnified in respect of such Duties, according to the Provisions of this Act, according to the Nature and Extent of the Covenants or Agreements under which such Person or Occupier may hold such Premises, as fully and effectually as if such Covenants or Agreements were herein recited.

Miscellaneous.
—

XXII. And be it enacted, with regard to Notices by this Act required, so far as relates to the Service thereof upon the Owner or Occupier of any Building, Fence, Land, Ground, or Tenement, That every such Notice must be given as follows; that is to say,

Notifications:

If such Owner be a married Female, other than a Cestuique Trust in regard to such Property, then such Notice must be given to the Husband of such married Female; or,

Married Females.

If such Owner be an Infant, Idiot, or Lunatic, or Cestuique Trust, then such Notice must be given to the Guardian, Trustee, or Committee of such Infant, Idiot, or Lunatic, or Cestuique Trust; or,

Infants, Idiots, or Lunatics.

If such Owner, Husband, Trustee, Guardian, or Committee is not known or cannot be found, then such Notice must be given to the Occupier of such Building, Fence, Land, Ground, or Tenement to which it shall relate; or,

Owners unknown.

If such Building, Fence, Land, Ground, or Tenement be unoccupied, then such Notice must be affixed to some conspicuous Part of such Building, Fence, Land, Ground, or Tenement, at a Height of not more than Nine Feet from the Ground:

Buildings unoccupied.

And if the Person in the Occupation of any Building, Fence, Land, Ground, or Tenement, in respect of which Notice is to be given, allege that he is a Tenant from Year to Year, or for any less Term, or a Tenant at Will, and not the Owner thereof, within the Intent and Meaning of this Act, then such Notice must be given to the immediate Landlord of such Occupier; and it shall be the Duty of such Occupier and he is hereby required to inform any Person by whom such Notice shall be required to be given, or any other Person applying on his Behalf, of the Name, Place of Residence, or Place of Business of such Owner or Landlord, or of his Agent or other Person by whom the Rent of such Building, Fence, Land, Ground, or Tenement shall be received; and if such Owner or Landlord be not in the Receipt of the whole of the Rents or Profits of such Building, Fence, Land, Ground, or Tenement, and if any Notice shall be served upon such Owner or Landlord, then, immediately upon the Receipt thereof, it shall be his Duty and he is hereby required to transmit to his immediate Landlord or his Agent, and also to any other Person being Part Owner in such Building, Fence, Land, Ground, or Tenement, or in Receipt of the Rents or Profits thereof under the same immediate Landlord, or to the Agent of such Person, a Copy of such Notice; and so on in turn it shall be the Duty of every Landlord, Agent, or other Person by whom such Notice shall be received to transmit it to any such Landlord, Agent, or other Person, being Part Owner of any such Building, Fence, Land, Ground, or Tenement, to the Intent that every Person affected by the Work or Proceeding to which such Notice relates may have due Notice thereof: Provided always, with regard to every such Notice,

Immediate Landlord.

Part Ownership.

Service of Notices.

- Miscellaneous.** — so far as relates to the Service thereof upon any such Owner, that if it be served upon the immediate Landlord of the Occupier or upon his Agent, by or on behalf of the Person by whom it is hereby required to be served in the first instance, then, although it may not be served by such immediate Landlord upon any other Landlord or Owner, such Service is to be deemed to be sufficient Service; but that nevertheless, if any Owner suffer Damage by the Failure of any other Person, being either the Occupier or any Person holding under such Owner, to serve such Notice, then such Owner shall be entitled to recover the Amount thereof against such Person by whom such Damage shall have been occasioned; and that every Notice served under this Clause on any Person must contain a Copy of the Provisions thereof, so far as they require him to transmit the same to his immediate Landlord, or the Agent of such Landlord.
- Damage arising from defective Service.** CXIII. And be it enacted, with regard to Notices by this Act required, so far as relates to the Mode of Service thereof upon the Occupier of any Building or Ground, That if such Notice be intended for the Occupier of any Building or Ground then it must be given either personally or by leaving the same with some Inmate at the Premises, or it must be affixed as aforesaid.
- Requisites of Notice.** CXIV. And be it enacted, further, with regard to all such Notices, so far as relates to the Mode of Service thereof upon Owners by Delivery, That every such Notice (except such Notice as may according to the Provision in that Behalf be sent by Post) must be given either personally or by leaving the same with some Inmate at the usual Place of Abode of such Party, or if that be not known then at his last known Place of Abode; and that every such Notice, when so given to such Persons respectively as aforesaid, or left at the last known Place of their respective Abodes, or when so affixed as aforesaid, according to the Cases herein-before mentioned, shall have the same Effects and Consequences as if given to the actual Owner.
- Mode of Service upon Occupier.** CXV. And be it enacted, further, with regard to Notices, so far as relates to the Mode of Service thereof by Transmission, That if any Owner upon whom the same is required to be served be not within the Limits of this Act, or have not within the Limits of this Act any Agent acting in his Behalf in the Matter of the Premises to which the Notice refers, then it shall be lawful to give Notice by Post Letter, duly registered according to the Practice for the Time being adopted with regard to Letters transmitted by Post, but so that nevertheless such Letter be posted in such Time as will afford to the Person addressed, after the Receipt of such Letter, the full Period of Notice required in the Case.
- Mode of Service upon Owners by Delivery.** CXVI. And be it enacted, with regard to Notices, so far as relates to the Service thereof upon the Surveyors and upon the Official Referees, That if the Notice relate to the Surveyor then such Notice must be served at the Office of the Surveyor; and that if the Notice relate to the Official Referees or any of them, then such Notice must be left at the Office of the Registrar of Metropolitan Buildings.
- Mode of Service upon Owners by Transmission.**
- Effect of Notice.**
- Mode of Service upon Owners by Transmission.**
- Notices for Surveyors and Official Referees.**

CXVII. And be it enacted, with regard to Consents by this Act required to be given by the Owner or Occupier of any Building or Ground, so far as relates to the making thereof on behalf of incapacitated Persons, That if such Owner or Occupier be a married Female, not being a Cestuique Trust in regard to the Property to which such Consent relates, then such Consent must be given by the Husband of such married Female; or that if such Owner or Occupier be an Infant, Idiot, or Lunatic, or Cestuique Trust, then such Consent must be given by the Guardian, Trustee, or Committee of such Infant, Idiot, or Lunatic, or Cestuique Trust; or that if such Owner or Occupier, Husband, Trustee, Guardian, or Committee, be not known or cannot be found, then with a view to protect the Interests of such Parties, as well as to facilitate the Purposes of this Act, it shall be lawful for the Official Referees and they are hereby authorized by Writing duly sealed by the Registrar of Metropolitan Buildings, to give such Consent as may be requisite, upon such Terms and subject to such Conditions as may seem fit to them, having regard alike to the Nature and Purpose of the Subject Matter in respect of which such Consent is to be given, and to the fair Claims of the Parties on whose Behalf such Consent is to be given.

Consents by
incapacitated
Persons.

CXVIII. And be it enacted, with regard to the following Documents, so far as relates to the Payment of Stamp Duty in respect thereof, That every Certificate and every Award required to be made or signed by the Surveyor or the Official Referees shall be and is hereby exempted from Stamp Duty.

Exemption
from Stamp
Duty.

CXIX. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

Public Act.

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

Act may be
amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)—(See § 1.)

Containing a Description of the ACTS and PARTS of ACTS repealed by this Act.

Date of Act.	Title of Act.	Extent of Repeal.
<p>1st.—14 Geo. III. c. 78. (1774.)</p>	<p>An Act for the further and better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster and the Liberties thereof, and other the Parishes, Precincts, and Places within the Weekly Bills of Mortality, the Parishes of Saint Mary-le-bon, Paddington, Saint Pancras, and Saint Luke at Chelsea, in the County of Middlesex; and for indemnifying, under certain Conditions, Builders and other Persons against the Penalties to which they are or may be liable for erecting Buildings within the Limits aforesaid contrary to Law.</p>	<p>Wholly; except so far as say such Act may repeal any other Act either wholly or partly; and except as to Offences committed, Penalties incurred, and Fees payable, and any Proceedings taken or commenced or which might be taken or commenced under the said Act, on or before the said First Day of January One thousand eight hundred and forty-five; and except the whole of the several Sections of the said Act which relate to the keeping of Fire Engines and Ladders and Firecocks (§ 74, 75), and to the Fees or Rewards to Turncocks and Engine Keepers (§ 76), and to the Payment of such Rewards or Fees (§ 77, 78), and to the providing of Engines by Parishes (§ 80, 81), and to the Payment of the Expenses and Rewards out of the Poor Rates (§ 81), and to the Exemption of Watermen and others from Impression, or the Liability to serve either as Mariners or as Soldiers (§ 82), and to the Application of Insurance Money on Houses burnt (§ 83), and to the Punishment of Servants for carelessly firing a House (§ 84), and to the Attendance of Peace and Parish Officers at Fires (§ 85), and to legal Proceedings in respect of accidental Fires (§ 86); and any other Part of the said Act, so far as it is necessary for giving full Effect to the respective Purposes of such several unrepealed Sections.</p>
<p>2d.—50 Geo. III. c. 75. (1810.)</p>	<p>An Act to amend an Act of the Fourteenth Year of His present Majesty, for the better Regulation of Buildings and Party Walls, and for the more effectually preventing Mischiefs by Fire, within the Cities of London and Westminster, by permitting John's Patent Tessera to be used in covering of Houses and Buildings within the Places therein mentioned.</p>	<p>Wholly.</p>
<p>3d.—3 & 4 Vict. c. 85. (1840.)</p>	<p>An Act for the Regulation of Chimney Sweepers and Chimneys.</p>	<p>So much thereof as relates to the Construction and Regulation of Chimneys and Flues within the Limits of this Act.</p>

SCHEDULE (B.)—(See § 5 & 7.)

PART I.

LIST OF BUILDINGS, of whatever Class, placed under special Supervision.

Bridges, Embankment Walls, Retaining Walls, and Wharf or Quay Walls :

And Her Majesty's Royal Palaces, and any Building being in the Possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service :

And any Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and Bethlem Hospital and the House of Occupations adjoining :

And the Mansion House, Guildhall, and Royal Exchange of the City of London :

And the Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "The Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor and Company either on the Site of or in addition to and in connexion with the said Edifice : 39 & 40 G. 3.
c. lxxxix.

And the Buildings of the British Museum already erected or to be erected for the like Purposes :

And the Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the Purposes of a Market in Covent Garden : 9 G. 4. c. cxiii.

And the Warehouses of or belonging to the Saint Katharine Dock Company, commonly called the New Street and Cutler Street Warehouses, and the Haydon Square Warehouses, purchased by the said Company from the East India Company :

And all other Buildings exempted by any Act of Parliament from the Operation of the Act passed in the Fourteenth Year of His late Majesty King George the Third, and by this Act repealed, except Buildings included in the Second Part of this Schedule.

PART II.

LIST of BUILDINGS, of whatever Class, exempted from Supervision.

- 6 G. 4. c. cv. And the Warehouses of or belonging to the Saint Katharine Dock Company, and situate in the Parish of Saint Botolph-without-Aldgate, and in the Precinct of Saint Katharine, near the Tower of London, in the County of Middlesex :
- 9 G. 4. c. cxvi. a. 99. And the Warehouses and Buildings of or belonging to the London Dock Company, comprehended within the Wall of the said Company, as set forth in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth :
- 1 & 2 Vict. c. ix. And the several Warehouses and Buildings of or belonging to the East and West India Dock Company, established by an Act made in the First Year of the Reign of Her present Majesty :
- 3 & 4 W. 4. c. xxxvi. and 5 & 6 W. 4. c. lvi. a. 126. And the Buildings erected or to be erected by the London and Birmingham Railway Company, established and incorporated by an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, within and in connexion with the Works of their Railway, by virtue of the several Acts relating thereto :

And the Buildings and Structures belonging to any other Dock or Railway authorized to be executed by any Act of Parliament.

 SCHEDULE (C.)—PART I.—(See § 5.)

RULES for determining the CLASSES and RATES to which Buildings are to be deemed to belong for the Purposes of this Act, and the Thicknesses of the Walls of Buildings of such Rates.

Classes of Buildings.

For the Purposes of this Act, all Buildings of whatever Kind, subject to the Provisions thereof, are to be deemed to belong to one or other of the following Three Classes; that is to say,

First Class.

If a Building be built originally as a Dwelling House, or be occupied or intended to be occupied as such, then it is to be deemed to belong to the First or Dwelling House Class.

Second

Second Class.

If a Building be built originally as a Warehouse, Storehouse, Granary, Brewery, Distillery, Manufactory, Workshop, or Stable, or be occupied or intended to be occupied as such or for a similar Purpose, then it is to be deemed to belong to the Second or Warehouse Class.

Third Class.

If a Building be built originally as a Church, Chapel, or other Place of Public Worship, College, Hall, Hospital, Theatre, public Concert Room, public Ball Room, public Lecture Room, public Exhibition Room, or occupied or intended to be occupied as such, or for a similar Purpose, or otherwise used or intended to be used, either temporarily or permanently, for the Assemblage of Persons in large Numbers, whether for public Worship, Business, Instruction, Debate, Diversion, or Resort, then it is to be deemed to belong to the Third or public Building Class.

Alteration of Class.

And if any Room, whether constructed within any other Building or not, and whether included in the aforesaid Classes or not, be used at any Time for the public or general Congregation of Persons, then the Building containing such Room is to be deemed a Building of the Third or Public Building Class.

Or if a Building originally built, or subsequently altered so as to bring it within any one Class, be subsequently converted into or used as a Building of another Class, then it is to be deemed to belong to such other Class; and as to it all the Conditions prescribed with regard to Buildings of the same Rate of such other Class must be fulfilled as if it had been originally built of such Class, subject nevertheless to such Modifications as shall be sanctioned by the Official Referees on a special Supervision thereof.

Or if a Building be used partly as a Dwelling House and partly for any Purpose which would bring it within the Second or Warehouse Class, then it is to be deemed to belong to the said Second or Warehouse Class; and as to it all the Conditions prescribed with regard to Buildings of the same Rate of such Class must be fulfilled as if it had been originally built of such Class, subject nevertheless to such Modifications as shall be sanctioned by the Official Referees on a special Supervision thereof.

Rates

Rates of Buildings.

And the Buildings included in the said Classes are to be deemed to belong to the Rates of those Classes, according to the Conditions of Height, Area, and Number of Stories set forth in the following Tables; which Conditions are to be determined according to the following Rules:—

Rule for ascertaining Height.

The Height of every Building is to be ascertained by measuring from the Surface of the lowest Floor of the Building up to the under Side of the Ceiling of the topmost Story at the highest Part thereof, whether such Story be within the Roof or not.

And if there be no Ceiling made or intended to be made to the topmost Story, then by measuring from the Surface of such lowest Floor of the Building up to the under Side of any Tie-beam, Collar-beam, or other Substitute for a Tie-beam, to or within the Roof of the Building, and to the highest Part of such Roof; and the Level of the under Side of such Tie-beam, or such Substitute for a Tie-beam, is in such Case to be taken to mean the Ceiling of the topmost Story.

And if there be no Tie-beam, Collar-beam, or other Substitute for a Tie-beam to or within the Roof of any Building, then up to a Level Three Feet below the Level of the under Side of the Ridge-piece, or Substitute for a Ridge-piece, to the Roof of such Building.

Rule for ascertaining Area.

And the Area of every Building is to be determined by the Number of Squares contained in the Surface of any Floor which shall contain the greatest Number of Squares at or above the principal Entrance to such Building, including in such Surface the Area of all the external Walls, and such Portions of the Party Walls, as belong to such Building, but excluding from such Surface the Area of any attached Building or Office, Area, Balcony, or open Portico.

Rule for ascertaining the Capacity of any Building of the Second Class.

And the Capacity or Cubical Contents of any such Building is to be ascertained by measuring according to the Rule for ascertaining Area, and from the Surface of the lowest Floor up to the under Surface of the Roof Covering of such Building.

Rule

Rule for ascertaining Number of Stories.

And the Stories of every Building are to be counted from the Foundation upwards.

And if the Space in Height between the Top of the Footings and the Level of the lowest Floor do not exceed Five Feet, then the Story nearest the Foundation is to be considered the lowest or first Story; but if such Space exceed Five Feet, then such Space is to be considered to contain the lowest or first Story; and in that Case Nine Inches above the Top of the Footing is to be considered the Level of the lowest Floor.

Rule for ascertaining Thickness of Walls.

And the Thickness or Width of every Wall, and of the Footing thereof, is to be ascertained by measuring only the Thickness or Width of which such Walls or Footings shall have been originally built.



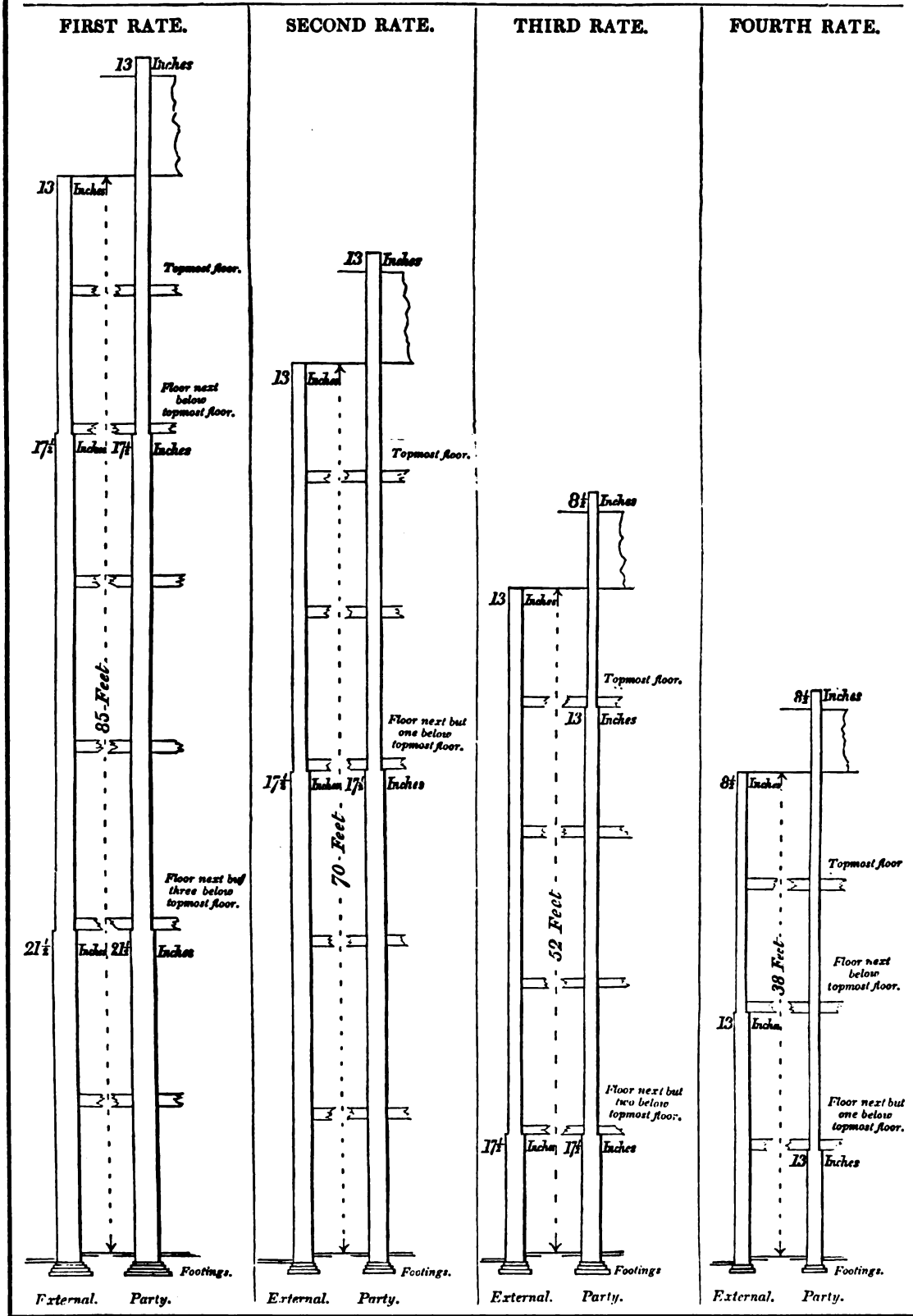
SCHEDULE (C.)—PART II.—(See § 5.)

CONDITIONS for determining the Rates to which Buildings of the First or Dwelling House Class are to be deemed to belong, and the Thickness of the external Walls and of the Party Walls thereof.

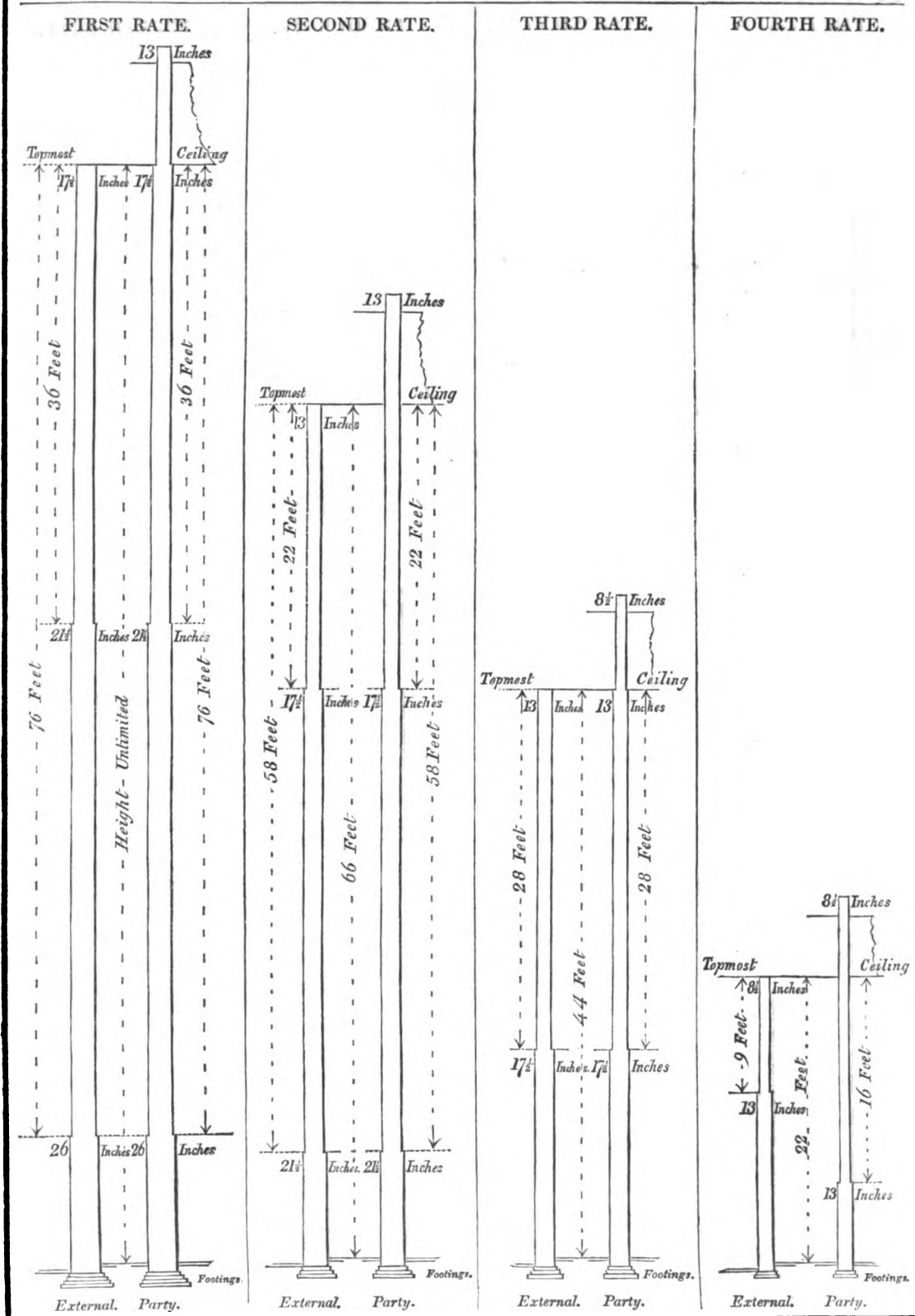
In reference to HEIGHT.	In reference to AREA.	In reference to STORIES.	RATE of BUILDING.	REQUISITE THICKNESS of EXTERNAL WALLS of each Rate of the FIRST CLASS.	REQUISITE THICKNESS of PARTY WALLS of each Rate of the FIRST CLASS.
1. If the Building be in Height more than 70 Feet, and not more than 85 Feet, But if it be in Height more than 85 Feet,	If the Building cover more than 10 Squares, and not more than 14 Squares, Or if it cover more than 14 Squares,	If the Building contain more than 7 Stories, Or if it contain more than Seven Stories,	It is to be of the First Rate of this Class, It is to be an extra First Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the Floor next below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall. And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Three below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Three below the topmost Floor up to the under Side of the Floor next below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall. And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 17½ Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.
2. If more than 52 Feet, and not more than 70 Feet,	Or if it cover more than 6 Squares, and not more than 10 Squares,	Or if it contain Six Stories,	It is to be of the Second Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.
3. If more than 38 Feet, and not more than 52 Feet,	Or if it cover more than 4 Squares, and not more than Six Squares,	Or if it contain Five Stories,	It is to be of the Third Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but Two below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the under Side of the Floor next but Two below the topmost Floor; and at the least 13 Inches from the under Side of the Floor next but Two below the topmost Floor up to the under Side of the topmost Floor; and at the least 8½ Inches from the under Side of the topmost Floor up to the Top of the Wall.
4. If not more than 38 Feet,	Or if it do not cover more than Four Squares,	Or if it do not contain more than Four Stories,	It is to be of the Fourth Rate of this Class,	And the Thickness of the external Walls must be at the least 13 Inches from the Top of the Footing up to the under Side of the Floor next below the topmost Floor; and at the least 8½ Inches from the under Side of the Floor next below the topmost Floor up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 13 Inches from the Top of the Footing up to the under Side of the Floor next but one below the topmost Floor; and at the least 8½ Inches from the under Side of the Floor next but one below the topmost Floor up to the Top of the Wall.

TRANSVERSE

TRANSVERSE SECTIONS OF WALLS OF THE FIRST OR DWELLING-HOUSE CLASS,
according to the Descriptions of their Thicknesses in SCHEDULE (C.)—PART II.



TRANSVERSE SECTIONS OF WALLS OF THE SECOND OR WAREHOUSE CLASS, according to the Descriptions of their Thicknesses in SCHEDULE (C.)—PART III.



SCHEDULE (C.)—PART III.—(See § 5.)

CONDITIONS for determining the Rates to which Buildings of the Second or Warehouse Class are to be deemed to belong, and the Thickness of the external Walls and of the Party Walls thereof.

In reference to HEIGHT.	RATE of BUILDING.	REQUISITE THICKNESS of the EXTERNAL WALLS of each Rate of the SECOND CLASS.	REQUISITE THICKNESS of the PARTY WALL of each Rate of the SECOND CLASS.
1. If the Building be in Height more than 66 Feet,	It is to be of the First Rate of this Class,	And the Thickness of the external Walls must be at the least 26 Inches from the Top of the Footing up to the Level of 76 Feet below the topmost Ceiling; and at the least 21½ Inches from the Level of 76 Feet below the topmost Ceiling up to the Level of 36 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 36 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 26 Inches from the Top of the Footing to the Level of 76 Feet below the topmost Ceiling; and at the least 21½ Inches from the Level of 76 Feet below the topmost Ceiling up to the Level of 36 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 36 Feet below the topmost Ceiling up to the Level of the topmost Ceiling; and at the least 13 Inches from the Level of the topmost Ceiling up to the Top of the Wall.
2. If more than 44 Feet and not more than 66 Feet,	It is to be of the Second Rate of this Class,	And the Thickness of the external Walls must be at the least 21½ Inches from the Top of the Footing up to the Level of 58 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 58 Feet below the topmost Ceiling up to the Level of 22 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 22 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 21½ Inches from the Top of the Footing up to the Level of 58 Feet below the topmost Ceiling; and at the least 17½ Inches from the Level of 58 Feet below the topmost Ceiling up to the Level of 22 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 22 Feet below the topmost Ceiling up to the Top of the Wall.
3. If more than 22 Feet and not more than 44 Feet,	It is to be of the Third Rate of this Class,	And the Thickness of the external Walls must be at the least 17½ Inches from the Top of the Footing up to the Level of 28 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 28 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 17½ Inches from the Top of the Footing up to the Level of 28 Feet below the topmost Ceiling; and at the least 13 Inches from the Level of 28 Feet below the topmost Ceiling up to the Level of the topmost Ceiling; and at the least 8½ Inches from the Level of the topmost Ceiling up to the Top of the Wall.
4. If not more than 22 Feet,	It is to be of the Fourth Rate of this Class,	And the Thickness of the external Walls must be at the least 13 Inches from the Top of the Footing up to the Level of 9 Feet below the topmost Ceiling; and at the least 8½ Inches from the Level of 9 Feet below the topmost Ceiling up to the Top of the Wall.	And the Thickness of the Party Walls must be at the least 13 Inches from the Top of the Footing up to the Level of 16 Feet below the topmost Ceiling; and at the least 8½ Inches from the Level of 16 Feet below the topmost Ceiling up to the Top of the Wall.

SCHEDULE (C.)—PART IV.

RULES CONCERNING BUILDINGS of the SECOND or WAREHOUSE CLASS.

Warehouses, &c.

With regard to any Building of the Second Class hereafter built or rebuilt, in reference to the Capacity or Contents thereof within the same inclosing Walls,—

If such Building contain more than 200,000 Cubic Feet, then such Building must be divided by Party Walls, so as that there be not in any one Part of such Building more than 200,000 Cubic Feet without Party Walls.

Openings in Party Walls.

And with regard to Buildings of the Second Class, in reference to Openings through Party Walls,—

Such Openings must not be made wider than Six Feet, nor higher than Eight Feet, unless in each Case, and upon special Evidence of Necessity for Convenience or otherwise, the Official Referees shall previously authorize larger Openings.

And the Floor, and the Jambs, and the Head of every such Opening must be composed of Brick or Stone or Iron Work throughout the whole Thickness of the Wall.

And every such Opening must have a strong Wrought-iron Door on each Side of the Party Wall, fitted and hung to such Opening without Wood-work of any Kind; and such Doors must be not less than One Fourth of an Inch thick in the Panels thereof.

And each of such Doors must be distant from the other not less than the full Thickness of the Party Wall.

Roofs.

And with regard to the Roofs of Buildings of the Second Class, in order to prevent the Formation of curbed Roofs to such Buildings, the Plane of the Surface of the Roof of every such Building must not incline from the external or Party Walls upwards at a greater Angle than 40 Degrees with the Horizon.

SCHEDULE (C.)—PART V.

REQUISITES for determining the Rate to which any Building of the THIRD or PUBLIC BUILDING CLASS is to be deemed to belong.

If any Building of the Third or Public Building Class correspond in Form or Structure or Disposition with a Dwelling House, then the Rate thereof is to be determined by the same Rules as the Rates of the First or Dwelling House Class; and the Thicknesses of the external and Party Walls, and the Width of the Footings thereof, are to be at the least Four Inches more than is hereby required for the external and Party Walls, and the Footings

Footings thereof, of Buildings of the same Rate of the First or Dwelling House Class, unless the Official Referees, on special Supervision in each Case, shall otherwise appoint.

But if it correspond in Form or Structure or Disposition with a Warehouse, or any Building of the Second Class, then the Rate thereof is to be determined by the same Rules as the Rates of the Second or Warehouse Class; and the Thickness of the external and Party Walls, and the Width of the Footings thereof, are to be at the least Four Inches more than is hereby required for the external and Party Walls, and the Footings thereof of Buildings of the same Rate of the Second or Warehouse Class, unless the Official Referees, on special Supervision in each Case, shall otherwise appoint.

But if it do not correspond in Form and Structure, or in either, with Buildings of the First or Second Classes, or any of them, then such Building is to be subject, as to its Walls or other Construction, to the special Approval of the Official Referees.

SCHEDULE (C.)—PART VI.

RULE CONCERNING FIRE-PROOF ACCESSES and STAIRS to Buildings of the FIRST and THIRD CLASSES.

With regard to Buildings of the First Class, whereof the internal Stairs are of Stone or other incombustible Substance, such Stairs must be set in, or be fixed to, and be wholly upborne by, Fire-proof Constructions, and must be connected internally by Landings, the Floors of which are Fire-proof, and wholly upborne and supported by Fire-proof Constructions, and must be connected with the exterior Entrance by Passages, the Floors of which are Fire-proof, and wholly upborne and supported by Fire-proof Constructions.

And with regard to Buildings of the Third Class, the Floors of the Halls, Vestibules, Lobbies, Corridors, Passages, and the Stairs and Landings, and all other Ways of Ingress and Egress within the Building to and from all Rooms or Apartments used for public Congregation, and to and from all Galleries being Part of, or being connected with, any such Room or Apartment, must be wholly supported, constructed, formed, made, and finished Fire-proof.

SCHEDULE (C.)—PART VII.

RULES CONCERNING attached and detached and insulated Buildings, as to the Rates and Walls thereof.

Attached Buildings and Offices.

With regard to Buildings or Offices now built or hereafter to be built (except Greenhouses, Vineries, Aviaries, or such like Buildings), and that whether such Buildings or Offices be attached to, or detached from, the Buildings to which they belong,—

Every such Building is to be deemed, in respect of the Walls thereof, and all other Requisites, as a Building of the Rate to which it would belong if it had been built separately.

Insulated Buildings.

And with regard to Buildings of the First or Dwelling House Class, and of the Second or Warehouse Class, which shall be insulated, so far as relates to the Distance thereof from a public Street or Way,—

Every such Building must be distant from any public Street or Alley One Third of the Height thereof at the least; and if the Building do not exceed Twenty-four feet in Height, then it must be so distant at the least Eight Feet.

And with regard to such Building, so far as relates to the Distance thereof from any other Building, or from Ground not in the same Possession or Occupation therewith, or connected therewith only by a Fence or Fence Wall, it must be distant from such other Building or such other Ground at the least 30 Feet.

And if such Building be so distant from a public Street or Alley, and from any other Building, or from Ground not in the same Possession or Occupation therewith, then such Building is not to be liable, in respect of the Dimensions and Materials thereof, to the Rules and Directions of this Act.

Insulated Buildings afterwards divided.

Provided always, that if any such Building be hereafter divided into Two or more distinct Buildings, and the several Parts of such Buildings so divided be not at the aforesaid Distance from each other, and from other Buildings and Ground, then such several Parts must be separated from each other by such Party Walls as are herein prescribed for the Rates to which such several Parts, if adjoining, would belong.

And if such Requisites be not observed, then such several Parts of such Buildings in respect of which they are not so observed shall be deemed a public Nuisance, and as such be taken down according to the Provisions of this Act in that Behalf.

Toll Houses, &c.

And with regard to certain Buildings which shall be built for the Purposes of Trade or the Collection of Toll,—

If such Buildings be situate Fifteen Feet at the least from any other Building, and do not cover an Area of more than One Square and One Half, and the Height thereof do not exceed Twelve Feet from the Ground to the highest Point of the Roof, then every such Building may be inclosed with any Materials whatsoever, but the Roof thereof must be covered as herein directed with regard to Roofs, and the Chimney and Flue (if any) must be built as herein directed with regard to Chimneys and Flues.

SCHEDULE (D.)

PART I.—RULES concerning WALLS of whatever Kind.

Foundations.

With regard to the Foundations of Walls:—

Every external Wall, and every Party Wall, and every Party Fence Wall, must be built upon a constructed Footing, based upon solid Ground, or upon other sufficient Foundation.

Footings.

With regard to Footings of Walls, in reference to the Materials thereof, to the Width thereof, to the Height thereof above the Foundation, and to the Depth below the Surface:—

Materials.

1. In reference to the Materials thereof:—

Every Footing must be built either of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work.

Width.

3. In reference to the Width thereof:—

The Bottom of the Footing of every external Wall and Party Wall of the First Rate must be at the least $17\frac{1}{2}$ Inches wider than the Wall standing thereon; and the Bottom of every Footing of every external Wall and Party Wall of the Second and Third Rates must be at the least 13 Inches wider than the Wall standing thereon; and the Bottom of the Footing of every external Wall and Party Wall of the Fourth Rate, and of every Party Fence Wall, must be at the least $8\frac{1}{2}$ Inches wider than the Wall standing thereon.

The Top of the Footing of every Party Fence Wall, and of every external Wall and Party Wall, must be at the least Four Inches wider than the Wall standing thereon.

Height.

4. In reference to the Height above the Foundation:—

The Footing of every external Wall and Party Wall of the First Rate must be at the least Eleven Inches high above the Foundation.

The Footing of every external Wall and Party Wall of the Second and Third Rates must be at the least Eight Inches high above the Foundation.

The Footing of every Party Fence Wall, and of every external Wall and Party Wall, of the Fourth Rate, must be at the least Five Inches high above the Foundation.

Depth below Ground.

5. In reference to the Depth thereof below the Surface of the lowest Ground or Area adjoining:—

The Top of the Footing of every Party Fence Wall, and of every external Wall and Party Wall, must be at the least Three Inches below such Surface.

Depth below lowest Floor.

6. In reference to the Depth thereof below the Surface of the lowest Floor adjoining or intended to adjoin thereto:—

The Top of the Footing of every external Wall and Party Wall must be at the least Nine Inches below such Surface; and in any Building of the First Class the Surface of the Earth or of any Paving on the Outside (except the Pavement of any public Way) must not at any Time be raised to within Six Inches of the Surface of the lowest or First Floor of such Building.

Thicknesses of inclosing Walls to Stories of Buildings of whatever Rate.

With regard to the inclosing Walls to Stories of Buildings of the First and Second Classes, each of the inclosing Walls of any such Story throughout the whole Height thereof, from the Top of the Footing up to the Top of such Story, and with all the Sets-off in addition required for such Wall, to whatever Rate or whichever Class it may belong, and throughout at the least One Third of the whole Length of such Wall, in Piers properly distributed, must be of the following Dimensions (unless cross or return Walls, coursed and bonded with the inclosing Walls, shall in the Opinion of the Official Referees, upon special Application to them in each particular Case, give sufficient Strength with less Thickness in such inclosing Walls); that is to say,—

As to First Class Buildings:—If the Story be in Height more than 11 Feet, then the Thickness of its inclosing Walls must be at the least 13 Inches.

Or if the Story be in Height more than 15 Feet, then the Thickness of its inclosing Walls must be at the least $17\frac{1}{2}$ Inches.

As to Second Class Buildings:—If the Story be in Height more than 9 Feet, then the Thickness of its inclosing Walls must be at the least 13 Inches.

Or if the Story be in Height more than 12 Feet, then the Thickness of its inclosing Walls must be at the least $17\frac{1}{2}$ Inches.

Or if the Story be in Height more than 15 Feet, then the Thickness of its inclosing Walls must be at the least $21\frac{1}{2}$ Inches.

Or if the Story be in Height more than 18 Feet, then the Thickness of its inclosing Walls must be at the least 26 Inches.

Nevertheless as to any external Wall of any Building of the First Class in which there are no Apertures or Recesses,—If there be another external Wall and a cross Wall of not less than $8\frac{1}{2}$ Inches thick coursing and bonding with such external Wall, or if Two such cross Walls occur within a Length of 24 Feet of such Wall, then such external Wall may be built of the Thickness of 13 Inches, of any Height not exceeding 18 Feet, within any Story, although the Rate of the Wall may require a greater Thickness, but always upon condition that the Sub-structure of such Wall is 4 Inches thicker at the least than such Superstructure and vertically under it.

And also if any such Wall be abutted by cross or return Walls within a Length of 12 Feet, and if not more than One Aperture or Recess occur within such Length of 12 Feet, and not more than One Half the Quantity in Length be taken out of such Compartment of a Wall by any such Aperture or Recess, then such external Wall may be built of any Thickness not less than 13 Inches, notwithstanding the Rate of such Wall may require a greater Thickness.

PART II.—EXTERNAL WALLS.

Construction and Materials.

And with regard to the component Materials of external Walls to Buildings of whatever Class,—

Every such Wall must be built of sound Bricks or of Stone or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work; and every such Wall must be carried up of its full Thickness to the under Side of the Plate under the Roof.

Nevertheless in such Walls, besides all requisite Openings for Doors and Windows, Recesses may be formed, so that the Back thereof be of the Thickness of Eight Inches and a Half at the least, and so that the Stability and Sufficiency of the Wall be not injuriously affected by making such Recesses.

And with regard to other Substances than the component Materials of external Walls,—

There may be such Wood and Iron as shall be necessary.

And every Plate, Lintel, Bond, Corbel, being of Wood, and every Wood-brick laid into any external Wall, and all Ends of Joists, of Girders, and of the Heads and Sills of Partitions running into any external Wall, must be fixed at a Distance from the external Face of the Wall of Four Inches at the least.

And the Frames of Doors and Windows must be fixed in Reveals at a Distance from the external Face of the Wall of Four Inches at the least.

And Shop Fronts must be fixed in such Manner as is herein specially directed.

And the Tiers of Door Cases to Warehouses must be fixed in the Openings left in such Walls at a Distance from the external Face of the Wall of Two Inches at the least.

But no Timber must be laid into any external Wall in such Manner or of such Length as to render the Part of the Wall above it wholly or in great Part dependent upon the Wood for Support, or so that any such Wood might not be withdrawn without endangering the Safety of the superincumbent Structure, except in the Case of Brestsummers.

Height and Thickness of Parapets.

And with regard to external Walls, in reference to the Height and Thickness of any Parapet thereon,—

If an external Wall adjoin a Gutter, then such external Wall must be carried up, and remain One Foot at the least above the highest Part of such Gutter.

And the Thickness of an external Wall so carried up above the Level of the under Side of the Gutter Plate, and forming a Parapet, must be at the least,—

In every such Wall of the extra First Rate of the First Class, and in every such Wall of the First Rate of the Second Class, 13 Inches thick; and —

In every other external Wall, of whatever Rate or whichever Class, 8½ Inches thick.

Brestsummers.

With regard to every Brestsummer fixed to carry any front Wall of a Building,—

If such Brestsummer have a Bearing at one End upon a Party Wall, then it must be laid upon a Template or Corbel of Stone or Iron, which Template or Corbel must be tailed through such Wall at least Two Thirds of the Thickness thereof; and the End of such Brestsummer must not be fixed into, and must not have its Bearing solely upon, such Party Wall, but must be supported by a sufficient Pier built of Brick or Stone, or by an Iron Column, or Iron or Timber Story Post fixed on a solid Foundation.

And if any such Brestsummer have its Bearing at each End upon a Party Wall, then it must be supported by at least Two sufficient Piers built of Brick or Stone, or by Iron Columns, or by Iron or Timber Story Posts fixed on solid Foundations, and standing within and clear of the Party Walls.

Or any such Brestsummer may bear upon constructed Returns in the Direction of the Length of the Brestsummer of Four Inches at the least, coursed and bonded with the Substance of the Party Wall or Party Walls; and such constructed Returns must be increased One Inch at the least for every Six Feet in Length that the Brestsummer may be otherwise unsupported.

And if the Height of the under Side of any Brestsummer laid from Party Wall to Party Wall to carry any external Wall exceed 15 Feet from the Surface of the public Foot Pavement in front of the Building, then there must be constructed Returns in the Direction of the Length of the Brestsummer from the Inside of each Party Wall of 8½ Inches at the least, and at the least of the full Thickness of such Brestsummer; and every such Return must be increased One Inch at the least for every Foot or Part of a Foot the Brestsummer may be in Height from the Surface of the public Foot Pavement more than 16 Feet, whether the Brestsummer be otherwise supported or not.

Materials to be used in Repairs.

And with regard to old external Walls or other external Inclosures of any Building already built, in reference to Materials to be used in the Repair thereof,—

If any such Wall or Inclosure be not built of the Materials required by this Act for external Walls or other external Inclosures hereafter to be built, then every Part of such Wall or other external Inclosure (except the Inclosure of Roofs, and the Flats, Gutters, Dormers, Turrets, Lantern-lights, and other Erections thereon,) may be at all Times thereafter repaired with Materials of the same Sort as those of which such external Wall or Inclosure has been already built.

Materials to be used in rebuilding.

But if any such external Wall or Inclosure be at any Time hereafter taken down or otherwise demolished for the Height of One Story, or for a Space equal to One Fourth of the whole Surface of such external Wall, then every Part thereof not built in the Manner and of the several Materials by this Act directed for external Walls must be taken down, and the same must be rebuilt in such Manner, and of such Materials, and in all respects as by this Act directed for external Walls hereafter to be built, according to the Class and Rate of the Building to which such external Wall or Inclosure shall belong.

External Wall used as a Party Wall.

And with regard to external Walls to be used as Party Walls to any Building adjoining thereto (except an attached Building or Office as is herein-before described),—

If the external Wall of any Building have not such Footings, or be not of such Heights and Thicknesses, or be not built in such Manner and of such Materials as are herein directed for Party Walls of Buildings of the highest Rate to which such Wall shall adjoin, then such external Wall must not be used as a Party Wall for any such Building; but there must be a distinct external Wall built as herein described for external Walls of the Rate to which it shall belong.

But if such external Wall to any Building already built be at the least 13 Inches in Thickness in every Part, and be of sound and proper Materials, and in good Condition, then such Wall may be used as a Party Wall; but if the House of which such Wall forms a Part be rebuilt within Five Years from the Time at which the Wall shall have been so first used as a Party Wall, then such Wall must become subject to the Provisions of this Act in respect of Party Walls, according to the Class and Rate to which the said Wall did first belong.

PART III.—PARTY WALLS.

Division of Buildings.

And with regard to Walls used to divide single Buildings into Two or more,—

If it be intended to divide any Building into Two or more distinct Parts, then every Wall for that Purpose must be built as a Party Wall in the Manner and of the Materials, and of the several Heights and Thicknesses for Party Walls of the highest Rate of Building to which such Party Wall shall belong or adjoin, as prescribed in reference to the Thicknesses of Party Walls in Schedule (C.)

And if any Building already built or which shall be hereafter built be converted, used, or occupied as Two or more separate Buildings, each having a separate Entrance and Staircase, then every such Building shall be deemed to be Two or more separate Houses, and such separate Houses must be divided from each other by a Party Wall or Party Arch or Arches built in the Manner and of the Materials required for Party Walls, or for Party Arches, for the Class and

and Rate to which the largest of the Buildings so divided shall belong.

Site of Walls.

With regard to Party Walls, in reference to the Site thereof,—

If the Buildings be of equal Rate then such Party Wall must be built on the Line of Junction of such Buildings, One Half on the Ground of the Owner of one of such Buildings, and One Half on the Ground of the Owner of the other of such Buildings.

If such Buildings be of different Rates, then such Wall must be built on the Line of Junction thereof, as follows; that is to say, One Half of the Thickness of the Wall required for the Building of the lower Rate on the Ground of each of the adjoining Owners; and the whole of the additional Thickness of the Wall required for the Building of the higher Rate on the Ground of the Owner of such Building of the higher Rate.

And if such Building of the lower Rate be thereafter enlarged or altered so as to become a Building of a higher Rate, then the Owner of such first-mentioned Building of the higher Rate for the Time being shall be entitled to receive from the Owner of such Building of the lower Rate such Sum of Money as shall be a sufficient Compensation for the Ground occupied by that Portion of the Party Wall, which according to the Rate of the Building enlarged ought to have been built by its Owner on his own Ground, as well as the Value of so much of the Wall itself as may be more than the Owner of such Building of the lower Rate had already paid for.

Construction and Materials.

And with regard to Party Walls, in reference to the component Materials thereof,—

Every Part of such Party Wall must be built of sound Bricks or of Stone, or of such Bricks and Stone together, laid in and with Mortar or Cement in such Manner as to produce solid Work.

And as to the Wood-work which it may be desired to connect with the Party Walls of any Building, the bearing Ends of wooden Beams, Brestsummers, Girders, Trimming Joists, and the Ends of Partition Heads and Sills, and the bearing Ends of the main Timbers of a Roof, and Wood-bricks may be laid into the Substance of a Party Wall; but no such Beam, Brestsummer, Girder, Joist, Partition Head, or Sill, nor any Part of a Roof being Wood, nor any Wood-bricks, must be laid or placed within Four Inches of the Centre of any Party Wall; and no other Wood-work of any Kind must be laid into, placed upon, or be run or driven into any Part of the Substance of any Party Wall.

But if the Ends of Timbers be carried on Iron Shoes or Stone Corbels, then such Iron Shoes or Stone Corbels must be built into the Wall at the least One Half of the Thickness of such Wall.

And the Top of every such Party Wall must be finished with one Course of sound Stock Bricks, set on edge with good Cement, or by a Coping of any other properly secured and sufficient Water-proof and Fire-proof Covering.

Height

Height of Party Walls above Roof.

And with regard to Party Walls, in reference to the Height thereof,—

If a Party Wall adjoin to any Roof, then such Party Wall must be carried up and remain One Foot Six Inches at the least above the Part where the Party Wall and Roof adjoin, measured at a Right Angle with the Back of the Rafters of such Roof.

And if any Party Wall in any Building of the First Class adjoin a Gutter, then such Party Wall must be carried up, and remain Two Feet at the least above the highest Part of any such Gutter.

And if any Party Wall in any Building of the Second Class adjoin a Gutter, then such Party Wall must be carried up, and remain Three Feet at the least above the highest Part of any such Gutter.

If there be fixed within Five Feet of a Party Wall, upon the Flat or Roof of the Building, any Turret, Dormer, Lantern-light, or other Erection of combustible Materials, then every such Party Wall must be carried up next to every such Turret, Dormer, Lantern-light, or other Erection, and must extend One Foot Six Inches higher and One Foot Six Inches wider than any such Erection on each Side thereof.

Openings in Party Walls.

And for the Purpose of regulating the making of Openings through any Party Wall between One Dwelling House and another, whereby Two or more Dwelling Houses shall be united,—

With regard to any Dwelling Houses of any Rate, such Dwelling Houses may be united by means of Openings in the Party Walls.

But with regard to any Dwelling Houses which when so united will contain more than Fourteen Squares,—

If such Dwelling Houses shall be and continue to be in the same Occupation, then upon its being declared by the Official Referees that in their Opinion the Stability and Security from Fire of any or either of such Dwelling Houses will not be endangered by making such Openings, they may be made accordingly.

Recesses and Chases.

And further, with regard to any Party Wall, as to Recesses and as to Chases in such Wall,—

In every Story Recesses may be formed, but only with the Consent and Authority of the Official Referees first had and obtained, and so that such Recesses be arched over, and so that the Back of any such Recess be not nearer than Seven Inches to the Centre of the Party Wall in the first or lowest Story, nor nearer than Four Inches to the Centre of the Party Wall in any other Story, and so that the Stability and Sufficiency of such Party Wall be not injuriously affected thereby.

If any Chases be required for the Insertion of Ends of Walls, of Piers, of Chimney Jambs, of Withes of Flues, of Metal Pipes,

Pipes, or of Iron Story Posts, then every Chase for any such Purpose must not be left or be cut nearer than Four Inches at the least to the Centre of a Party Wall, nor within a Distance of Nine Inches at the least from any front or back Wall, and no Two such Chases must be made within a Distance of Seven Feet Six Inches at the least from each other on the same Side of a Wall, and no such Chase must be formed wider than Nine Inches.

PART IV.—PARTY WALLS AND PARTY ARCHES BETWEEN INTERMIXED PROPERTY.

And with regard to any Building already built, having Rooms or Floors, the Property of different Owners, which lie intermixed, without being separated by any Party Wall or Party Arch or Stone Floor,—

If any such Building be altogether rebuilt or to the Extent of One Fourth of the cubical Contents thereof, then such intermixed Properties must be separated from each other, as follows:

If they adjoin vertically, then so far as they adjoin vertically they must be separated by a Party Wall.

If they adjoin horizontally, then so far as they adjoin horizontally they must be separated either by a Floor formed of Brick, Tile, Stone, or other proper and sufficient incombustible Materials, subject to the Consent of the Official Referees, or by a Floor formed of Iron Girders and Brick Arches, or Stone Landings, or Tiles, or by a Party Arch or Party Arches of Brick or Stone of the Thickness of Nine Inches at the least, if the Span do not exceed Nine Feet, and Thirteen Inches at the least if the Span exceed Nine Feet; and such Floor or Party Arch or Party Arches must be built with sufficient Abutments, and in a sufficient Manner.

PART V.—BUILDINGS OVER PUBLIC WAYS.

And with regard to Buildings extending over any public Way, as to the Part thereof which extends over such Way, so far as relates to the Separation of such Part from such public Way,—

If such Part be rebuilt, then it must be separated from such public Way either by a Floor or Arch formed of Brick or Stone or of other incombustible Materials, subject to the Consent of the Official Referees, or by a Floor formed of Iron Girders and Brick Arches, or Stone Landings, or by an Arch formed of Brick or of Stone; which Arch, if the Span thereof do not exceed Nine Feet, must be of the Thickness of Nine Inches at the least, and which, if the Span exceed Nine Feet, must be of the Thickness of Thirteen Inches at the least.

And such Floor or Arch, with its Abutments, must be built in such Manner as shall be approved of by the Surveyor; but there must not be formed over any public Way a Ceiling of Lath and Plaster, or of Lath and Cement.

SCHEDULE (E.)—(See § 5.)

RULES concerning external PROJECTIONS.

Porticoes projected over public Ways.

And with regard to the Portico or Porticoes of any Church, Chapel, Theatre, or other public Building of the Third Class,—

If the building of the same shall have been previously sanctioned by the Official Referees, by Writing under their Hands, and if Objection be not made by any Party interested within One Month thereafter, and if, upon such Objection or Appeal, Her Majesty's Principal Secretary of State acting for the Home Department do not decide in favour thereof, then such Projections may be built over the Foot Pavement of any Street or Alley which shall be Fifty Feet wide at the least (notwithstanding any Act heretofore passed to the contrary).

Projections from Face Walls, &c.

And further, with regard to Buildings hereafter to be built or rebuilt, in reference to Projections therefrom,—

As to Copings, Parapets, Cornices to overhanging Roofs, Blocking Courses, Cornices, Piers, Columns, Pilasters, Entablatures, Facias, Door and Window Dressings, or other Architectural Decorations, forming Part of an external Wall, all such may project beyond the general Line of Fronts in any Street or Alley, but they must be built of the same Materials as are by this Act directed to be used for building the external Walls to which such Projections belong, or of such other proper and sufficient Materials as the Official Referees may approve and permit.

And as to all Balconies, Verandahs, Porches, Porticoes, Shop Fronts, open Inclosures of open Areas, and Steps, and Water Pipes, and to all other Projections from external Walls not forming Part thereof, every such Projection (except such Part of Shop Fronts, and the Frames and Sashes of the Windows and Doors, in reference to the necessary Wood-work thereof,) may stand beyond the general Line of Fronts in any Street or Alley, but they must be built of Brick, Tile, Stone, Artificial Stone, Slate, Cement, or Metal, or other proper and sufficient Fire proof Materials; and they must be so built as not to overhang the Ground belonging to any other Owner, and so as obstruct the Light and Air or be otherwise injurious to the Owners or Occupiers of the Buildings adjoining thereto on any Side thereof.

Projections from Walls of Buildings over public Ways.

And with regard to all Buildings hereafter to be built or rebuilt, in reference to Projections from the Walls of such Buildings, including Steps, Cellar Doors, and Area Inclosures, the Walls of all such Buildings must be set back so that all Projections therefrom, and also all Steps, Cellar Doors, and Area Inclosures, shall only overhang or occupy the Ground of the Owner of such Building, without overhanging or encroaching upon any public Way.

Projected

Projected Buildings beyond the general Line of Buildings and from other external Walls.

And with regard to Buildings already built or hereafter to be rebuilt, as to Bow Windows or other Projections of any Kind,—

Such Projections must neither be built with nor be added to any Building on any Face of an external Wall thereof, so as to extend beyond the general Line of the Fronts of the Houses (which general Line may be determined by the Surveyor), except so far as is herein-before provided with regard to Porticoes projected over public Ways, and with regard to Projections from Face Walls and Shop Fronts, nor so as to overhang the Ground belonging to any other Owner, nor so as to obstruct the Light and Air, or be otherwise injurious to the Owners or Occupiers of the Buildings adjoining thereto on any Side thereof.

Projections from insulated Buildings.

Provided always, with regard to any insulated Buildings, that if the Projections be at the least Eight Feet from any public Way, and if they be at least Twenty Feet from any other Building not in the same Occupation, then such Projections are excepted from the Rules and Directions of this Act.

Wooden Shop Fronts and Shutters.

And with regard to Shop Fronts and their Entablatures, their Shutters, and Pilasters and Stall Boards made of Wood,—

If the Street or Alley in which such Front is situate be of less Width than Thirty Feet, then no Part of such Shop Front must be higher in any Part thereof than Fifteen Feet; nor must any Part, except the Cornice, project from the Face of the Wall, whether there be an Area or not, more than Five Inches; nor must the Cornice project therefrom more than Thirteen Inches.

If the Street or Alley be of a greater Width than Thirty Feet, then no Part of such Shop Front, except the Cornice, must project from the Face of a Wall, whether there be an Area or not, more than Ten Inches; nor must the Cornice project therefrom more than Eighteen Inches.

And the Width of such Street or Alley must be ascertained by measuring the same, as herein-after directed with regard to the Width of Streets and Alleys.

And the Wood-work of any Shop Front must not be fixed nearer than Four and a Half Inches to the centre Line of a Party Wall.

And with regard to such Wood-work, if it be put up at such Distance of Four and a Half Inches, then a Pier or Corbel built of Stone or of Brick or other incombustible Material, and of the Width of Four and a Half Inches at the least, must be fixed in the Line of the Party Wall, so as to be as high as such Wood-work, and so as to project One Inch at the least in front of the Face thereof.

And the Height of every Shop Front must be ascertained by measuring from the Level of the public Foot Pavement in front of the Building.

And every Sign or Notice Board fixed against or upon any Part of any House or other Building standing close to any public Way must be so fixed that the Top shall be within Eighteen Feet at the most above the Level of such public Way.

SCHEDULE (F.)—(See § 5.)

RULES concerning CHIMNEYS hereafter built or rebuilt.

Construction.

With regard to Chimneys and Chimney Stacks, except angle Chimneys, in reference to the Construction thereof,—

The Foundations and Footings of every such Chimney and Chimney Stack must be built similar to those of the Wall in or adjoining to which it shall be.

And every such Chimney and Chimney Stack must be built from the Foundation to the Top thereof without any corbelling over, whereby any upper Part of the Brick-work of such Chimney or Chimney Stack shall overhang any lower Part of the Brick-work on the Front thereof.

Nevertheless, with regard to Buildings of the First Rate and extra First Rate, the Jambs, Breast, and Flue of any single Chimney may be built upon Brick, Stone, or Iron Corbels above the Ceiling of the Third Story of every such Building.

And with regard to Buildings of the Second and Third Rates, the Jambs, Breast, and Flue in any single Chimney may be built upon Brick, Stone, or Iron Corbels above the Ceiling of the Second Story of every such Building.

But the Projection both of such Jambs and Breasts must not in any Case exceed Nine Inches before the Face of the Wall or Stack to which the same shall adjoin.

And with regard to angle Chimneys, such Chimneys may be built in the internal Angle of any Building, so that the Width of the Breast thereof do not exceed Five Feet, and so that it be properly supported on Iron Girders with Brick Arches, or on strong Stone Landings not less than Four Inches thick, and tailed at least Nine Inches into each of the Two Walls forming such Angle.

Dimensions and Materials.

And with regard to Chimneys, in reference to the Dimensions of the Jambs thereof,—

The Jambs of every Chimney must not be less than Eight and a Half Inches wide on each Side of such Opening.

And with regard to Chimneys and Flues, in reference to the Thickness of the Brick-work thereof,—

The Breast of every Chimney, and the Front, Back, Withe, or Partition of every Flue, must be at the least Four Inches in Thickness of sound Bricks, properly bonded, and the Joints of the Work must be filled in with good Mortar or Cement, and all the Inside thereof, and also the Outside or Face thereof next the Interior of any Building, must be rendered or pargetted.

And with regard to Flues, in reference to the Dimensions thereof, no Flue may be used for a Smoke Flue which is of less internal Diameter in any Section than Eight and a Half Inches.

Timber

Timber or Wood-work.

And with regard to Chimneys, in reference to Timber,—

No Timber must be placed over any Opening for supporting the Breast of any Chimney, but there must be an Arch of Brick or Stone over the Opening of every such Chimney, to support the Breast thereof, and an Iron Bar or Bars must be built into the Jambs, at the least Nine Inches on each Side, to tie in the Abutments whenever the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Two Thirds of the Opening.

And no Timber or Wood-work must be placed or laid in any Wall under any Chimney Opening within Eighteen Inches at the least of the Surface of the Hearth to the Fireplace of such Chimney Opening.

And as to any Timber or Wood-work, in reference to the fixing thereof in or against any Wall containing Flues or against any Chimney Breast or Chimney Jamb,—

If Timber or Wood-work be affixed to the Front of any Jamb or Mantel, or to the Front or Back of any Chimney or Flue, then it must be fixed by Iron Nails or Holdfasts, or other Iron Fastenings, which must not be or be driven nearer than Four Inches to the Inside of any Flue or to the Opening of any Chimney, and such Timber or Wood-work must not be nearer than Nine Inches to the Opening of any Chimney.

And no Timber must be laid or placed within Three Inches of the Face, or Breast, Back, Side, or Jamb of any Flue, or of any Chimney Opening, where the Substance of Brick-work or Stone-work shall be less than Eight and a Half Inches thick, nor must any Flooring Board, Batten, Ground Skirting, or other Lining or Fitting of Wood, nor any Wood Staircase, nor any thing else of Wood, be fixed or placed against or near to the Face, or Breast, Back, Side, or Jamb of any Flue, Fireplace, or Chimney Opening, unless and until the Brick or Stone Work constituting the same shall have been thoroughly and efficiently rendered or pargetted with proper Mortar or Stucco, and such rendering must be in every Case in addition to Four Inches at least of solid Fire proof Structure

Slabs and Hearths.

And a Slab or Slabs of Brick, Tile, Stone, Slate, Marble, or other proper and sufficient Substance, at the least Twelve Inches longer than the Opening of every Chimney when finished, and at the least Eighteen Inches in front of the Arch over the same, must be laid before the Opening of every Chimney.

And in every Floor, except the lowest Floor, such Slab or Slabs must be laid wholly upon Stone or Iron Bearers, or upon Brick Trimmers; but in the lowest Floor they may be laid on a Brick Fender, or bedded on the solid Ground.

And the Hearth of every Chimney must be laid and bedded wholly on Brick or Stone, or other incombustible Substance, which must be solid for a Thickness of Nine Inches at the least, beneath the Surface of any such Hearth.

Backs.

And as to the Back of every Chimney Opening of every Building (except Backs of Chimneys in the lowest Story of Buildings of the Fourth Rate), every such Back, in the lowest Story, must be at the least Thirteen Inches thick from the Hearth to the Height of Twelve Inches above the Mantel, and in every other Story at the least Eight and a Half Inches thick up to the same relative Height.

And as to the Backs of Chimney Openings in the lowest Story of Buildings of the Fourth Rate, such Backs must be at the least Eight and a Half Inches thick to the Height of Twelve Inches at the least above the Level of the Mantel :

Provided always, that if the Chimney be built in any Wall, not being a Party Wall, then the Back of every such Chimney Opening may be Four and a Half Inches less than the several Thicknesses above described.

Chimney Openings, Back to Back.

And as to Backs of all such Chimney Openings, if Two Chimneys be built Back to Back, then the Thickness between the same must be at the least of the Thickness herein-before described for the Back of One Chimney Opening.

Angles of Flues.

And as to all Flues, in reference to the Angles thereof,—

If any Flue be built with sufficient Openings in it of not less Size than Nine Inches square, and proper close Iron Doors and Frames inserted in such Openings, so that every Part of such Flue may be swept by Machinery, then every Angle in such Flue may be of any Degree.

But if it be not so built then every such Angle must be One hundred and thirty-five Degrees at the least.

And every salient or projecting Angle within a Flue must be rounded off Four Inches at the least, and protected by a rounded Stone or Iron Bar.

Close Fires.

And as to every Oven, Furnace, Cokel, or close Fire used for the Purpose of Trade or Manufacture, it must be Six Inches at the least distant from any Party Wall, and must not be upon nor within a Distance of Eighteen Inches of any Timber or Wood-work.

And the Floor on or above which such Oven, Furnace, Cokel, or close Fire shall be built or fixed must be formed and paved under, and for a Distance of Two Feet all round the same, with Stone, Brick, Tile, or Slate, at the least Two Inches thick, or other proper incombustible and non-conducting Materials.

Chimney Shafts.

And as to Chimney Shafts or Flues,—

Every Chimney Shaft or Flue hereafter built, raised, or repaired must be carried up in Brick or Stone Work all round, at least Four Inches thick, to a Height of not less than Three Feet above the highest Part of such Portion of the Roof, Flat, or Gutter adjoining thereto, measured at the Point of Junction.

And as to any Chimney Shaft (except that of a Steam Engine, Brewery, Distillery, or Manufactory), the Brick or Stone Work of such Shaft or Flue must not be built higher than Eight Feet above the Slope, Flat, or Gutter of the Roof which it adjoins, measured from the highest Point of Junction,

tion, unless such Chimney Shaft be built of increased Thickness, or be built with and bonded to another Chimney Shaft, or be otherwise rendered secure.

And as to the Chimney Shaft for the Boiler Furnaces of any Steam Engine, or for any Brewery, Distillery, or Manufactory, such Shaft may be erected of any Height, so that it be built in such Manner and of such Strength and Dimensions as shall be satisfactory to the Official Referees, upon special Application in each Case.

Chimney Pots, Tubes, &c.

And as to Earthen or Metal Chimney Pots, Tubes, Funnel, or Cowls of any Description whatsoever, if such Pot, Tube, Funnel, or Cowl be higher than Four Feet above the Brick or Stone Work of the Flue on which the same shall be placed, then it must be fixed Two Feet at the least into the Brick or Stone Work of the Flue on which it shall be placed.

Smoke Pipes.

And as to any Metal or other Pipe or Funnel for conveying Smoke, heated Air, or Steam, in reference to the Position thereof, such Pipe or Funnel must not be fixed against or in front of any Face of any Building in any Street or Alley, nor on the Inside of any Building nearer than Fourteen Inches to any Timber or other combustible Material.

Cuttings into Chimneys.

And as to every Chimney Shaft, Jamb, Breast, or Flue already built, or which shall be hereafter built, in reference to cutting the same, no such Erection shall be cut into for any other Purpose than the Repair thereof, or for the Formation of Soot Doors, or for letting in, removing, or altering Stove Pipes or Smoke Jacks, except as directed for building an external Wall against an old sound Party Wall.

SCHEDULE (G.)—(See § 5.)

RULES CONCERNING ROOF COVERINGS.

Materials.

With regard to Roof Coverings, in reference to the Materials thereof,—

If the external Parts of any Roof, Flat, or Gutter of any Building, or of any Projection therefrom, and of any Turret, Dormer, Lantern-light, and other Erection on the Roof or Flat of any Building, be hereafter built or rebuilt, stripped, ripped, or uncovered, then every such Part (except the Door Frames and Doors, Window Frames and Sashes of such Turrets, Dormers, Lantern-lights, or other Erections,) must be covered with Slates, Tiles, Metal, Glass, artificial Stone or Cement, and such excepted Parts may be made of such Wood as shall be necessary.

Rain-water Pipes.

And with regard to the Roof, Flat, and Gutter of any Building, and of any Projection therefrom, and also Balconies, Verandahs, and Shop Fronts, they must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom dropping on to or running over any public Way.

SCHEDULE (H.)—(See § 5 & 51.)

RULES concerning DRAINS to Buildings hereafter built.

Drains into Sewers.

With regard to the Drains of Buildings of any Class, and of every Addition thereto,—

Before the several Walls of any such Building shall have been built to the Height of Ten Feet from their Foundations the Drains thereof must have been properly built and made good; (that is to say,) if there be within One hundred Feet from any Front of the Building, or from the Inclosure about the Building, a Common Sewer into which it is lawful and practicable to drain, then into such Common Sewer; and if there be not in such Situation and within such Distance any such Common Sewer, then to the best Outlet that can be obtained, so as to render in either Case such Drains available for the Drainage of the lowest Floor of such Building, or Addition thereto, and also of its Areas, Water-closets, Privies, and Offices (if any).

And the Inside of the Main Drains under and from every Building for carrying off Soil must be in transverse Section at the least equal to a circular Area of at least Nine Inches in Diameter.

And every such Drain must be laid to a Fall or Current of at the least Half an Inch to Ten Feet, and so as that the whole of every such Drain within the Walls of such Building shall be wholly covered over under the lowest Floor, and independently thereof.

And every such Drain within the Walls of such Building must be built and covered over with Brick, Stone, or Slate, and so as to render the Drain air-tight.

And every Part of such Drain inside and outside the Walls of every Building must be built of Brick, Tile, Stone, or Slate, set in Mortar or Cement.

Cesspools and Privies.

And with regard to Cesspools and Privies,—

If there be a Common Sewer within Fifty Feet from any Front of or from the Inclosure about any House or other Building, then a Cesspool must not be made for the Reception of Drainage from such House or other Building, unless there be or shall be built a good and sufficient Drain from such Cesspool to such Common Sewer.

And if any Cesspool be built under a House or other Building, then such Cesspool must be built air-tight.

And every Privy built in the Yard or Area of any Building, or under any Street or Alley, must have a Door, and be otherwise properly inclosed, screened, and fenced from public View.

SCHEDULE (I.)—(See § 5 & 52.)

RULES CONCERNING STREETS and ALLEYS hereafter formed.

Width.

With regard to every such Street or Alley hereafter to be formed, in reference to the Width thereof, every Street or Alley must be of at the least the following Width from Front to Front in every Part thereof respectively; that is to say,—

Every Street (excepting any Mews) must be of the Width of Forty Feet at the least; but if the Buildings fronting any Street be more than Forty Feet high from the Level of the Street, then such Street must be of a Width equal at the least to the Height of the Buildings above such Level.

Every Alley and every Mews must be of the Width of Twenty Feet at the least; but if the Buildings fronting any Alley, or to any Mews, be more than Twenty Feet high from the Level of the Alley or Mews, then such Alley or Mews must be of a Width equal at the least to the Height of the Buildings above such Level.

Entrances to Alleys.

And with regard to every such Alley, in reference to the Entrance thereof, every Alley must have Two Entrances thereto, each being at the least of the full Width of the Alley, and one of the Two at the least open from the Ground upwards.

Measurement of Width.

And with regard both to such Streets and Alleys, the aforesaid Width is to be ascertained by measuring (at Right Angles to the Course thereof) from Front to Front of the Buildings on each Side of such Street or Alley.

SCHEDULE (K.)—(See § 5 & 53.)

RULES CONCERNING DWELLING HOUSES hereafter built or rebuilt, with regard to Back Yards and Areas, and Rooms under Ground and in the Roof.

Back Yards.

With regard to Back Yards or open Spaces attached to Dwelling Houses,—

Every House hereafter built or rebuilt must have an inclosed Back Yard or open Space of at the least One Square, exclusive of any Building thereon, unless all the Rooms of such House can be lighted and ventilated from the Street, or from an Area of the Extent of at the least Three Quarters of a Square above the Level of the Second Story, into which the Owner of the House to be rebuilt is entitled to open Windows for every Room adjoining thereto.

And if any House already built be hereafter rebuilt, then, unless all the Rooms of such House can be lighted and ventilated from the Street, or from an Area of the Extent of at the least Three Quarters of a Square, into which the

Owner of the House to be rebuilt is entitled to open Windows for every Room adjoining thereto, there must be above the Level of the Floor of the Third Story an open Space of at least Three Quarters of a Square.

And with regard to every Building of the First Class,—

Every such Building must be built with some Roadway, either to it or to the Inclosure about it, of such Width as will admit to one of its Fronts of the Access of a Scavenger's Cart of the ordinary Size of such Carts.

Lowermost Rooms.

And with regard to the lowermost Rooms of Houses, being Rooms of which the Surface of the Floor is more than Three Feet below the Surface of the Footway of the nearest Street or Alley, and to Cellars of Buildings hereafter to be built or rebuilt,—

If any such Room or Cellar be used or intended to be used as a separate Dwelling, then the Floor thereof must not be below the Surface or Level of the Ground immediately adjoining thereto, unless it have an Area, Fireplace, and Window as required for Rooms and Cellars of existing Buildings let separately, and used as a separate Dwelling, and unless it be properly drained.

And with regard to every such lowermost Room or Cellar in any existing Building used or intended to be used as a separate Dwelling,—

There must be an Area not less than Three Feet wide in every Part, from Six Inches below the Floor of such Room or Cellar to the Surface or Level of the Ground adjoining to the front, back, or external Side thereof, and extending the full Length of such Side.

And such Area, to the Extent of at least Five Feet long and Two Feet Six Inches wide, must be in front of the Window of such Room or Cellar, and must be open, or covered only with open Iron Gratings.

And there must be made for every such Room or Cellar an open Fireplace, with proper Flue therefrom.

And there must be a Window Opening of at the least Nine superficial Feet in Area, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half superficial Feet must be made to open for Ventilation.

Attic Rooms.

And with regard to Rooms in the Roof of any Building hereafter built or rebuilt, in reference to the Number of Floors of Rooms in the Roof, and to the Height of such Rooms, there must not be more than One Floor of such Rooms, and such Rooms must not be of a less Height than Seven Feet, except the sloping Part, if any, of such Roof, which sloping Part must not begin at less than Three Feet Six Inches above the Floor, nor extend more than Three Feet Six Inches on the Ceiling of such Room.

Rooms in other Parts.

And with regard to Rooms in other Parts of the Building, in reference to the Height thereof, every Room used or intended to be used as a separate Dwelling must be of, at the least, the Height of Seven Feet from the Floor to the Ceiling.

SCHEDULE (L.)

LIST of FEES payable to the SURVEYORS under this Act.

Fees for new Buildings.

For any Building erected on old or new Foundations, as follows:—	Dwelling House Class.	Warehouse Class.	Public Buildings Class.
	£ s. d.	£ s. d.	£ s. d.
If the Building be of the 1st Rate - - -	} 3 10 0	3 10 0	3 10 0
Ditto - extra 1st Ditto -	5 5 0	- - -	5 5 0
Ditto - - 2d Ditto -	3 3 0	3 3 0	3 3 0
Ditto - - 3d Ditto -	2 10 0	2 10 0	2 10 0
If the Building be of the 4th Rate, and contain more than Two Stories - - -	} 2 2 0	2 2 0	2 2 0
If the Building be of the 4th Rate, and do not contain more than Two Stories - - -	} 1 10 0	2 2 0	1 10 0
And with regard to Buildings of the Warehouse Class, a further Fee to be paid in respect of any additional 200,000 Cubic Feet, or Portion of 200,000 Cubic Feet, in any such Building, beyond the first 200,000 Cubic Feet - - -	} - - -	{ Equal to One Half of the above Fees respectively. }	- - -
And for inspecting and reporting to the Official Referees (s. 24.) on Party Walls and intermixed Buildings,—			
If the Building be of the 1st Rate - - -	} 3 10 0	3 10 0	3 10 0
Ditto extra 1st Ditto	5 5 0	- - -	5 5 0
Ditto - 2d Ditto	3 3 0	3 3 0	3 3 0
Ditto - 3d Ditto	2 10 0	2 10 0	2 10 0
If the Building be of the 4th Rate, and contain more than Two Stories -	} 2 2 0	2 2 0	2 2 0
If the Building be of the 4th Rate, and do not contain more than Two Stories - - -	} 1 10 0	2 2 0	1 10 0
For every insulated Building -	1 1 0	1 1 0	1 1 0

For every detached Building built for the Purposes of Trade or Collection of Toll - - - } 10s. 6d.

For every attached or detached Building, distinctly rated (except any such attached or detached Building built at the same Time as the Building to which it belongs, and carried up and covered in within 21 Days after such Building shall have been covered in within the Meaning of this Act), such Fee as is hereby imposed in respect of Additions to or Alterations of Buildings of the Rate to which such attached or detached Buildings shall belong.

Fee for Additions or Alterations.

For every Addition or Alteration made to any Building (after the Roof thereof shall have been covered in) which shall involve the Execution of Works subject to the Regulations of this Act, the following Fees; that is to say,—

	£	s.	d.
If the Building be of the 1st Rate - - -	1	15	0
Ditto - extra 1st Ditto - - -	2	10	0
Ditto - - - 2d Ditto - - -	1	10	0
Ditto - - - 3d Ditto - - -	1	5	0
If the Building be of the 4th Rate, and contain more than Two Stories - - - }	0	15	0
If the Building be of the 4th Rate, and do not contain more than Two Stories - - - }	0	10	0

And with regard to Buildings of the Warehouse Class, a further Fee, equal to One Half of the above Fees respectively, to be paid in respect of every additional 200,000 Cubic Feet, or any Portion of 200,000 Cubic Feet, in any such Building, beyond the first 200,000 Cubic Feet.

Fees for special Duties.

For the following special Duties performed by any Surveyor, according to the Enactments of this Act, where such Duties shall not be performed incidentally to the building or rebuilding of or adding to or altering any Building in respect of which any other Fees may be payable; that is to say,—

For attending to the cutting away of Chimney Breasts for external Walls,—

	£	s.	d.
If the Building be of the 1st Rate - - -	3	3	0
Ditto - extra 1st Ditto - - -	3	3	0
Ditto - - - 2d Ditto - - - }	2	2	0
Ditto - - - 3d Ditto - - - }	1	1	0
If the Building be of the 4th Rate, and contain more than Two Stories - - - }	0	10	6
If the Building be of the 4th Rate, and do not contain more than Two Stories - - - }	0	10	6
For condemning Party Fence Walls - - -	0	10	0
For the Inspection and Removal of Projections and ruinous Buildings - - - }	0	10	0
For surveying Party Walls not kept in repair, and consenting to Notice of Repair being served - }	0	10	0
For inspecting Arches or Stone Floors over public Ways - - - }	0	10	0
For inspecting Formation of Openings in Party Walls	0	10	0

Fees for special Services not expressly provided for.

For any Service performed by any Surveyor which is required by this Act, but not comprehended under any of the foregoing Heads,—

Such Fee, not exceeding 2*l.*, as the Official Referees shall by Writing under their Hands order and appoint, with the Consent of the Commissioners of Works and Buildings.

SCHEDULE (M.)—METROPOLITAN BUILDINGS ACT. SUMMARY OF PROCEEDINGS

Section of the Act.	Stages of Proceeding.	Steps to be taken.	By whom taken.
	WORKS GENERALLY.		
§ 13.	Before commencing the Operations specified in this Section.	Two Days Notice to be given	By the Builder. See Definition, § 13.
§ 13.	Before resuming Operations, after being suspended for a Period exceeding Three Months.	Two Days Notice to be given.	By the Builder. See Definition, § 13.
§ 13.	On Change of Architect, Master Builder, or other Superintendent.	Two Days Notice to be given.	By the Builder. See Definition, § 13.
§ 14.	On the Occurrence of any Irregularity in Building Operations.	48 Hours Notice to be given.	By the District Surveyor
§ 37.	As to Openings hereafter made in external Walls abutting on adjoining Ground or Buildings.	Notice to stop up within One Month.	By adjoining Owner
	SPECIAL SUPERVISION.		
§ 15.	On Completion of the Careass of a Building subject to special Supervision.	Notice for Inspection thereof.	By the Architect or Builder.
§ 15.	On Completion of Amendments, or the entire Completion of a Building, subject to special Supervision.	Notice relative thereto	By the Architect or Builder.
	PARTY WALLS, &c.		
§ 20, 21, 24, 25.	Before Survey, Repair, or pulling down of a Party Wall, Party Arch, or Party Fence Wall.	Three Months Notice before Operations.	By the Building Owner. See Definition, § 13.
§ 24.	In the same Case - - -	Notice for Survey -	By the Building Owner. See Definition, § 13.
—	In the same Case - - -	Appointment of Survey -	By the District Surveyor
§ 33, 34.	As to pulling down Rooms in intermixed Property, and repairing or rebuilding Party Fence Walls.	Notice of Intention to build a Party Wall, or as directed by Official Referees.	By the Building Owner
—	In the same Case - - -	Notice for Inspection thereof.	By the Building Owner
—	In the same Case - - -	Appointment of Survey -	By the District Surveyor
§ 26.	As to pulling down a Timber Partition, and erecting or raising a Party Wall.	Three Months Notice of Intention to build or raise a Party Wall.	By the Building Owner
§ 28.	Excavation against existing Party Wall for a deeper Story, and for the Erection of an external Wall.	One Month's Notice of Intention to cut away Footings or Breast or Shaft of a Party Wall.	By the Building Owner
§ 38.	Building a Party Wall on Line of Junction of Two Pieces of vacant Ground.	One Month's Notice for Consent of adjoining Owner.	By the Building Owner
§ 38.	In the same Case - - -	Notice of Consent -	By the adjoining Owner
	MODIFICATIONS.		
§ 22, 23.	Modification or Delay of intended Work to suit adjoining Owner.	Seven Days Notice for Consent.	By the adjoining Owner
—	In the same Case - - -	Application for Decision	By the adjoining Owner
—	In the same Case - - -	Notice of Application -	By the adjoining Owner

to be taken or observed before and after Notices in relation to Buildings.

With Reference to whom taken.	Form of Notice to be given.	Place of Notice.	Subsequent Proceedings.
To the District Surveyor	See Form, No. 1.	At the District Surveyor's Office.	£20 Penalty for Neglect. Existing Buildings altered, &c. without Notice, to be abated as a Nuisance.
To the District Surveyor	See Form, No. 2.	At the District Surveyor's Office.	£20 Penalty for Neglect.
To the District Surveyor	See Form, No. 3.	At the District Surveyor's Office.	£20 Penalty for Neglect.
To the Builder - -	See Form, No. 4.	At the Builder's Office, or Place of Building or of Alteration.	Proceedings by Surveyor or Official Referees.
To Owner of external Wall.	See Form, No. 5.	According to Sections as to Notifications.	To be stopped up.
To the Official Referees	See Form, No. 6.	At the Official Referees Office.	Survey and Approval or Disapproval by Official Referees. Prohibition of use of irregular Buildings of this Class, and Penalty of £200 per Day. Survey and Certificate.
To the Official Referees	See Form, No. 7.	At the Official Referees Office.	Survey and Certificate.
To the adjoining Owner	See Form, No. 8.	According to Sections as to Notifications.	Inspection by Surveyor, § 24.
To the District Surveyor and Official Referees.	See Form, No. 9.	At the District Surveyor's and the Official Referees Offices.	Inspection by Surveyor, and report to Official Referees.
To the Owners and Agents, &c.	See Form, No. 10.	To Building and adjoining Owners and Agents.	Inspection by Surveyor, and report to Official Referees.
To the adjoining Owner and District Surveyor. § 20.	See Form, No. 11.	According to Sections as to Notifications.	Erection of Wall.
To the District Surveyor and the Official Referees.	See Form, No. 12.	At the District Surveyor's and Official Referees Office.	Inspection by Surveyor, and report to Official Referees.
To the Owners and Agents, &c.	See Form, No. 13.	To Building and adjoining Owners and Agents.	Inspection by Surveyor, and report to Official Referees.
To the adjoining Owner	See Form, No. 14.	According to Sections as to Notifications.	Erection of Wall, or raising of Wall.
To the adjoining Owner	See Form, No. 15.	According to Sections as to Notifications.	Execution of Operations.
To the adjoining Owner	See Form, No. 16.	According to Sections as to Notifications.	Execution of Operations.
To the Building Owner	See Form, No. 17.	According to Sections as to Notifications.	Erection of Wall.
To the Building Owner	See Form, No. 18.	According to Sections as to Notifications.	If Consent not given Commencement of Works must be delayed for Decision of Official Referees.
To the Official Referees	See Form, No. 19.	At the Official Referees Office.	Delay in commencing of Operations.
To the Building Owner	See Form, No. 20.	According to Sections as to Notifications.	—

SCHEDULE (M.)—continued.

FORMS OF NOTICES AS TO WORKS.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13., 1844.

1.—Notice by the Builder to the District Surveyor Two Days before commencing Operations.

I do hereby give you Notice, That I intend to (1) and that C.D. of
 is to be the (2) of the Works to be executed; and that the said Works will be
 begun on the Day of
 Dated this Day of

(Signature and Address.)

* * * Certain Penalties are attached to Neglect in giving this Notice.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13., 1844.

2.—Notice by the Builder to the District Surveyor Two Days before resuming Operations.

I do hereby give you Notice, That I intend to re-commence the (1) and that
 C.D. of is to be the (2) of the Works to be resumed; and that
 the said Works will be continued on the Day of
 Dated this Day of

(Signature and Address.)

* * * Certain Penalties are attached to Neglect in giving this Notice.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 13., 1844.

3.—Notice by the Builder to the District Surveyor as to Change of Builder.

I do hereby give you Notice, That, with reference to the Works specified in my Notice of
 last E.F. (1) is to be placed in charge of the said Works,
 instead of C.D. the (2) mentioned in the said Notice.
 Dated this Day of

(Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 14., 1844.

4.—Notice by the District Surveyor to the Builder as to any thing done in the Erection of any Building not conformably to the Act.

I do hereby give you Notice, That the (1) now in progress (2)
 situate in (3) is not conformable to the Statute in the Portions thereof under
 mentioned; and I require you, within Forty-eight Hours from the Date hereof, to amend the
 same.

Dated this Day of at the Hour of by the Clock.
 Note Irregularities referred to.

(Signature.)

(1) Describing the Erection or intended Operation in general Terms, and whether it relate to any of the following Matters:—

- “ The Erection of any Building;”
- or “ The making of any Addition to or Alteration in any Building;”
- or “ The building, pulling down, rebuilding, cutting into, or altering any Party Wall, external Wall, Chimney Stack, or Flue;”
- or The making of “ any Opening in any Party Wall;”
- or The doing of “ any other Matter or Thing by this Act placed under the Supervision of the Surveyor.”

(2) Insert “ Architect,” or “ Builder,” or other Superintendent to have charge of the Works.

(3) Describing in general Terms the Works referred to in Notice No. 1., and which Works may have been suspended Three Months.

(4) Insert “ Building,” or “ Alterations,” or “ Building Operations,” as the Case may be.

(5) Insert “ under your Superintendence,” or “ in the Building belonging to you,” as the Case may be.

(6) Insert the Situation, as the Case may be.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 37., 1844.

5.—*Notice by an Owner or Occupier to an adjoining Owner or Occupier to stop up an Opening in an external Wall abutting on his Premises.*

I do hereby give you Notice, That if within One Month from the Date hereof you do not stop up the Opening made in the external Wall of your Premises situate in (¹) and which abuts on my (²) I shall, at your Expence, cause the same to be stopped up, conformably to the Statute.

Dated this _____ Day of _____

(Signature and Address.)

FORMS OF NOTICES AS TO SPECIAL SUPERVISION.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 15., 1844.

6.—*Notice by an Architect or Builder to the Official Referees as to Completion of the Carcass of a Building subject to special Supervision.*

I do hereby give you Notice, That the Building now erecting under my Superintendence in (¹) being a Building of the (²) and having been completed to the full Height of the Walls thereof, and the Timbers, Floors, Roofs, and Partitions being fixed, I require you, in accordance with the Statute, should you be of opinion that the Building is subject to special Supervision, to survey the same, and to certify accordingly.

Dated this _____ Day of _____

(Signature and Address.)

[*.* A Penalty of Two hundred Pounds per Day for using any such Building without its being certified subsequent to Notice as above and following.]

METROPOLITAN BUILDINGS ACT, VICT. c. s. 15., 1844.

7.—*Notice by an Architect or Builder to the Official Referees as to Completion of Amendments, and of Buildings subject to special Supervision.*

I do hereby give you Notice, That the Building now erecting under my Superintendence in (¹) being a Building of the (²) and having been completed in pursuance of my Survey and Notice subsequent, I require you, in accordance with the Statute, to survey the same, and to certify accordingly.

Dated this _____ Day of _____

(Signature and Address.)

[*.* This Notice will be used both with reference to the Completion of Amendments and to the entire Completion of a Building.]

FORMS OF NOTICES AS TO PARTY WALLS, &c.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20. 21. 24. 25., 1844.

8.—*Notice to be given (Three Months before commencing Operations) by an Owner or Occupier, to an adjoining Owner or Occupier, that the Party Wall or Party Arch or Party Fence Wall is out of repair.*

I do hereby give you Notice, That I apprehend that the (¹) or some Part thereof, on the Line of Junction between my (²) situate, &c., and the (³) thereto adjoining, situate on the _____ Side thereof, is so far out of repair (⁴) as to render it necessary to (⁵) such Wall or some Part thereof; and that I intend to have such Wall surveyed, pursuant to the Statute; and also that I have given Notice to the Surveyor of the District and to the Official Referees to survey the Premises for the Purpose of certifying the Condition of such Wall, and whether the Whole or any Part thereof ought to be repaired or pulled down and rebuilt, and to certify accordingly.

Dated this _____ Day of _____

(Signature and Address.)

(¹) *Specify the Situation.*

(²) *Insert "Ground" or "Building adjoining."*

(³) *Insert "First Rate of Second Class," or "of the Third Class," as the Case may be.*

(⁴) *Insert "Party Wall," or "Party Arch," or "Party Fence Wall," as the Case may be.*

(⁵) *Insert "House," or "Building," or "Ground," as the Case may be.*

(⁶) *Insert, when required, "or has been rendered dangerous and ruinous by cutting away Footings," or "Breasts," or "Chimney Shafts."*

(⁷) *Insert "repair," or "pull down and rebuild," as the Case may be.*

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20., 1844.

9.—*Notice, in the same Case, to the Surveyor and Official Referees.*

I do hereby give you Notice, That I apprehend that the (1) or some Part thereof, on the Line of Junction between my (2) situate in and the (3) thereto adjoining, situate on the Side thereof, is so far out of repair (3) as to render it necessary to repair or pull down and rebuild such Wall or some Part thereof; and that I require a Survey thereof to be made, pursuant to the Statute, and that in Presence of such One or more Surveyors or Agents appointed by me, as under mentioned, or by C.D., the Owner of the adjoining Property, for the Purpose of certifying the Condition of such Wall, and whether the whole or any Part thereof ought to be repaired or pulled down and rebuilt; and I do hereby also intimate that I have served a Notice on C.D. to the like Effect.

Dated this _____ Day of _____ (Signature and Address.)
 Names and Addresses of One or more Surveyors or Agents for Building Owner.

METROPOLITAN BUILDINGS ACT, VICT. c. s. 20. and 24., 1844.

10.—*Notice, in the same Case, by the District Surveyor to the Building Owner and adjoining Owner, and such One or more Surveyors and Agents by them appointed.*

I Surveyor of the District, do hereby give you Notice, That, in pursuance of an Application made to the Official Referees and to me in that Behalf, it is my Intention to proceed to view the Premises (4) situate in _____ for the Purpose of certifying the Condition of the (1) and whether any Part thereof is so far out of repair as to require to be either wholly or in part repaired or pulled down and rebuilt; and such Survey I do intend to make on the Day of _____ next, at _____ by the Clock in the _____ noon, in the Presence of any One or more Surveyors or Agents on behalf of the Building Owner and the adjoining Owner.

Dated this _____ Day of _____ (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 23. 24., 1844.

11.—*Notice to be given, Three Months before commencing Operations, by an Owner to an adjoining Owner.*

I do hereby give you Notice, that I intend to (5) _____ and that I intend to have such (6) surveyed conformably to the Statute; and that I have given Notice to the District Surveyor and to the Official Referees to survey the Premises, and to certify accordingly.

Dated this _____ Day of _____ (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. s. 23. 24., 1844.

12.—*Notice, in the same Case, to the Surveyor and Official Referees.*

I do hereby give you Notice, That I intend to (6) _____ and that I require a Survey thereof to be made, pursuant to the Statute, and that in Presence of such One or more Surveyors or Agents appointed by me, as under mentioned, or by C.D. the Owner of the adjoining Property, for the Purpose of certifying whether the whole or any Part (7) ought to be pulled down and rebuilt; and I do hereby also intimate that I have served a Notice on C.D. to the like Effect.

Dated this _____ Day of _____ (Signature and Address.)
 Names and Addresses of One or more Surveyors or Agents for Building Owner.

(1) Insert "Party Wall," or "Party Arch," or "Party Fence Wall," as the Case may be.

(2) Insert "House," or "Building," or "Ground," as the Case may be.

(3) Insert, when required, "or has been rendered dangerous and ruinous by cutting away Footings," or "Breasts," or "Chimney Shafts."

(4) Designated by Number or other Name.

(5) Specify the Kind of Operation, as to whether it be intended—

"To raise a Party Fence Wall;"

or "To repair or rebuild a Party Fence Wall;"

or "To pull down and rebuild Rooms in intermixed Property, &c.;" and specifying the Situation, &c.

(6) Insert "Party Fence Wall, or "Rooms in intermixed Property."

(7) Specify the Kind of Operation intended.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 33. 34., 1844.

- 13.—Notice, in the same Case, by the District Surveyor to the Building Owner and adjoining Owner, and such One or more Surveyors and Agents by them appointed.

I Surveyor of the District, do hereby give you Notice, That, in pursuance of an Application made to the Official Referees and to me in that Behalf, it is my Intention to proceed to view the Premises ⁽¹⁾ situate in _____ for the Purpose of certifying whether any Part of such ⁽²⁾ _____ require to be ⁽³⁾ _____ Day of _____ next and such Survey I do intend to make on the _____ Day of _____ at _____ by the Clock in the _____ noon, in the Presence of any One or more Surveyors or Agents whom the Parties concerned shall appoint for that Purpose.

Dated this _____ Day of _____ (Signature.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 26., 1844.

- 14.—Notice to be given, Three Months before commencing Operations, by an Owner to an adjoining Owner, where no Survey is required.

I do hereby give you Notice, That I intend to ⁽⁴⁾ _____ pursuant to the Statute.

Dated this _____ Day of _____ (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 28., 1844.

- 15.—Notice of Intention to build an external Wall against existing Party Wall, and for that Purpose to cut away Footings, Breast, and Shaft of an existing Party Wall.

I do hereby give you Notice, That it is my Intention, One Month after the Date hereof, to build an external Wall against the existing Party Wall by which our Premises are parted, situate _____, and to cut away such Portion of the Footings or Chimney Breast or Shaft in such Party Wall as will be necessary for that Purpose.

Dated this _____ Day of _____ (Signature and Address.)

METROPOLITAN BUILDINGS ACT, VICT. c. a. 38. 39., 1844.

- 16.—Notice of Desire to build a Party Wall on the Line of Junction of Two Pieces of vacant Ground.

I do hereby give you Notice, That I desire to build partly on my Land or Ground adjoining your vacant Ground, and partly on your vacant Ground, on the Line of Junction of the said Premises, ⁽⁵⁾ _____ which will be of the under-noted Thicknesses and Dimensions; and should you consent thereto I require you to signify such Consent in Writing on or before the _____ Day of _____ next.

Dated this _____ Day of _____ (Signature and Address.)

Notes of the Thickness and Dimensions.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 38. 39., 1844.

- 17.—Notice of Consent to the building of a Party Wall on the Line of Junction of Two Pieces of vacant Ground.

I do hereby give you Notice, That I consent to the building of a ⁽⁶⁾ _____ partly on my Land or Ground adjoining your vacant Ground on the Line of Junction of the said Premises, which I require to be of the under-mentioned Thicknesses and Dimensions, and other Particulars.

Dated this _____ Day of _____ (Signature and Address.)

Note of the Thickness and Dimensions, and other Particulars.

(1) Designated by Number or other Name. (2) Specify the Kind of Operation intended.

(3) Insert "raised," or "repaired," or "pulled down and rebuilt," as the Case may be.

(4) Specify the Kind of Operation, as to whether it be intended —

"To pull down a Timber Partition, and instead thereof to build a Party Wall," or "to rebuild a sound Party Wall."

or "To raise a Party Wall."

(5) Insert "Party Wall," or "Party Fence Wall," or "external Wall," as the Case may be.

FORMS OF NOTICES AS TO MODIFICATION OR DELAY OF INTENDED BUILDING OPERATIONS.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 22. 23., 1844.

18.—*Requisition to a Building Owner by an adjoining Owner as to Modification or Delay of intended Work on his Behalf.*

I do hereby give you Notice, That I require you to ⁽¹⁾ the Works specified in your Notice of the Day of in consequence of the Inconvenience and Loss that would arise to me if the same were executed at the Time proposed by you; and if you do not consent hereto, or dissent therefrom, within Days, then, in pursuance of the Statute, you are hereby required to delay your intended Operations until the Official Referees shall have determined thereon.

Dated this Day of

(Signature and Address.)

Note of Modifications.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 22. 23., 1844.

19.—*Notice by an adjoining Owner to the Official Referees as to the Modification or Delay of intended Works of a Building Owner.*

I do hereby give you Notice, That C.D. of having specified in his Notice of the Day of certain Works to be executed subsequent to the Day of next, and I having served upon him a Requisition in reference to the ⁽²⁾ of the Works so intended by him, in consequence of the Inconvenience and Loss that would arise to me if the same were executed at the Time proposed by him, and he not having attended thereto, it is my Desire that a Survey be made, in pursuance of the Statute, with reference to such Works, and the Notices referred to.

Dated this Day of ⁽³⁾

(Signature and Address.)

Note of Modifications.

METROPOLITAN BUILDINGS ACT, VICT. c. a. 22. 23., 1844.

20.—*Notice by an adjoining Owner to a Building Owner as to Application to the Official Referees for Survey of intended Works with reference to the Modification or Delay thereof.*

I do hereby give you Notice, That, in consequence of your not consenting to the ⁽⁴⁾ of the Works intended by you, as specified in my Requisition of the Day of last, I have applied to the Official Referees for a Survey of the Premises, pursuant to the Statute.

Dated this Day of ⁽⁵⁾

(Signature and Address.)

⁽¹⁾ Insert "modify, as under noted," or "delay until the Day of," as the Case may be.

⁽²⁾ Insert "Modification as under noted," or "Delay until the Day of," as the Case may be.

⁽³⁾ Within Seven Days after the previous Requisition.

⁽⁴⁾ Insert "Modification," or "Delay," as the Case may be.

⁽⁵⁾ Within Seven Days after the previous Requisition.

C A P. LXXXV.

An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways.

[9th August 1844.]

‘ **W**HEREAS it is expedient that the Concession of Powers for the Establishment of new Lines of Railway should be subjected to such Conditions as are herein-after contained for the Benefit of the Public:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if at any Time after the End of Twenty-one Years from and after the First Day of *January* next after the passing of any Act of the present or of any future Session of Parliament for the Construction of any new Line of Passenger Railway, whether such new Line be a Trunk, Branch, or Junction Line, and whether such new Line be constructed by a new Company incorporated for the Purpose or by any existing Company, the clear annual Profits divisible upon the subscribed and paid-up Capital Stock of the said Railway, upon the Average of the Three then last preceding Years, shall equal or exceed the Rate of Ten Pounds for every Hundred Pounds of such paid-up Capital Stock, it shall be lawful for the Lords Commissioners of Her Majesty’s Treasury, subject to the Provisions herein-after contained, upon giving to the said Company Three Calendar Months Notice in Writing of their Intention so to do, to revise the Scale of Tolls, Fares, and Charges limited by the Act or Acts relating to the said Railway, and to fix such new Scale of Tolls, Fares, and Charges applicable to such different Classes and Kinds of Passengers, Goods, and other Traffic on such Railway, as in the Judgment of the said Lords Commissioners, assuming the same Quantities and Kinds of Traffic to continue, shall be likely to reduce the said divisible Profits to the said Rate of Ten Pounds in the Hundred: Provided always, that no such revised Scale shall take effect, unless accompanied by a Guarantee to subsist as long as any such revised Scale of Tolls, Fares, and Charges shall be in force, that the said divisible Profits, in case of any Deficiency therein, shall be annually made good to the said Rate of Ten Pounds for every Hundred Pounds of such Capital Stock: Provided also, that such revised Scale shall not be again revised or such Guarantee withdrawn, otherwise than with the Consent of the Company, for the further Period of Twenty-one Years.

If, after 21 Years from the passing of the Act for the Construction of any future Railway, the Profits shall exceed 10% per Cent., the Treasury may revise the Scale of Tolls, and fix a new Scale.

Proviso.

II. And be it enacted, That whatever may be the Rate of divisible Profits on any such Railway it shall be lawful for the said Lords Commissioners, if they shall think fit, subject to the Provisions herein-after contained, at any Time after the Expiration of the said Term of Twenty-one Years, to purchase any such Railway, with all its Hereditaments, Stock, and Appurtenances, in the Name and on Behalf of Her Majesty, upon giving to the said Company Three Calendar Months Notice in Writing of their Intention,

Option of Purchase of future Railways.

Proviso.

tention, and upon Payment of a Sum equal to Twenty-five Years Purchase of the said annual divisible Profits, estimated on the Average of the Three then next preceding Years: Provided that if the average Rate of Profits for the said Three Years shall be less than the Rate of Ten Pounds in the Hundred, it shall be lawful for the Company, if they shall be of opinion that the said Rate of Twenty-five Years Purchase of the said average Profits is an inadequate Rate of Purchase of such Railway, reference being had to the Prospects thereof, to require that it shall be left to Arbitration, in case of Difference, to determine what (if any) additional Amount of Purchase Money shall be paid to the said Company: Provided also, that such Option of Purchase shall not be exercised, except with the Consent of the Company, while any such revised Scale of Tolls, Fares, and Charges shall be in force.

Existing Railways not to be subjected to the Options.

III. Provided always, and be it enacted, That the Option of Revision or Purchase shall not be applied to any Railway made or authorized to be made by any Act previous to the present Session; and that no Branch or Extension of less than Five Miles in length of any such Line of Railway shall be taken to be a new Railway within the Provisions of this Act; and that the said Option of Purchase shall not be exercised as regards any Branch or Extension of any Railway, without including such Railway in the Purchase, in case the Proprietors thereof shall require that the same be so included.

Reservation to Parliament of the Consideration of future Policy in regard to the said Options.

IV. ' And whereas it is expedient that the Policy of Revision or Purchase should in no manner be prejudged by the Provisions of this Act, but should remain for the future Consideration of the Legislature, upon Grounds of general and national Policy: ' And whereas it is not the Intention of this Act that under the said Powers of Revision or Purchase, if called into use, the public Resources should be employed to sustain an undue Competition against any independent Company or Companies; ' be it enacted, That no such Notice as herein-before mentioned, whether of Revision or Purchase, shall be given until Provision shall have been made by Parliament, by an Act or Acts to be passed in that Behalf, for authorizing the Guarantee or the Levy of the Purchase Money herein-before mentioned, as the Case may be, and for determining, subject to the Conditions herein-before mentioned, the Manner in which the said Options or either of them shall be exercised; and that no Bill for giving Powers to exercise the said Options, or either of them, shall be received in either House of Parliament unless it be recited in the Preamble to such Bill that Three Months Notice of the Intention to apply to Parliament for such Powers has been given by the said Lords Commissioners to the Company or Companies to be affected thereby.

Accounts to be kept, and to be open to Inspection.

V. And be it enacted, That, from and after the Commencement of the Period of Three Years next preceding the Period at which the Option of Revision or Purchase becomes available, full and true Accounts shall be kept of all Sums of Money received and paid on account of any Railway within the Provisions herein-before contained, (distinguishing, if the said Railway shall be a Branch Railway or one worked in common with other Railways, the Receipts, and giving an Estimate of the Expences on account of the said Railway, from those on account of the Trunk, Line,

or

or other Railways,) by the Directors of the Company to whom such Railway belongs or by whom the same may be worked; and every such Railway Company shall once in every Half Year during the said Period of Three Years cause a half-yearly Account in abstract to be prepared, showing the total Receipt and Expenditure on account of the said Railway for the Half Year ending the Thirtieth Day of *June* and the Thirty-first Day of *December* respectively, or such other convenient Days as shall in each Case be directed by the said Lords Commissioners, under distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified under the Hands of Two or more Directors of the said Railway Company, and shall send a Copy of the said Account to the said Lords Commissioners on or before the last Days of *August* and *February* respectively, or such other Days as shall in each Case be directed by the said Lords Commissioners, in each Year; and it shall be lawful for the said Lords Commissioners, if and when they shall think fit, to appoint any proper Person or Persons to inspect the Accounts and Books of the said Company during the said Period of Three Years; and it shall be lawful for any Person so authorized, at all reasonable Times, upon producing his Authority, to examine the Books, Accounts, Vouchers, and other Documents of the Company at the principal Office or Place of Business of the Company, and to take Copies or Extracts therefrom.

VL 'And whereas it is expedient to secure to the poorer Class of Travellers the Means of travelling by Railway at moderate Fares, and in Carriages in which they may be protected from the Weather;' be it enacted, That on and after the several Days herein-after specified all Passenger Railway Companies which shall have been incorporated by any Act of the present Session, or which shall be hereafter incorporated, or which by any Act of the present or any future Session have obtained or shall obtain, directly or indirectly, any Extension or Amendment of the Powers conferred on them respectively by their previous Acts, or have been or shall be authorized to do any Act unauthorized by the Provisions of such previous Acts, shall, by means of One Train at the least to travel along their Railway from one End to the other of each Trunk, Branch, or Junction Line belonging to or leased by them, so long as they shall continue to carry other Passengers over such Trunk, Branch, or Junction Line, once at the least each Way on every Week Day, except *Christmas Day* and *Good Friday* (such Exception not to extend to *Scotland*), provide for the Conveyance of Third Class Passengers to and from the terminal and other ordinary Passenger Stations of the Railway, under the Obligations contained in their several Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railway; and also under the following Conditions; (that is to say,)

Companies to provide One cheap Train each Way daily.

Such Train shall start at an Hour to be from Time to Time fixed by the Directors, subject to the Approval of the Lords of the Committee of Privy Council for Trade and Plantations: Such Train shall travel at an average Rate of Speed not less than Twelve Miles an Hour for the whole Distance travelled on the Railway, including Stoppages:

Such Train shall, if required, take up and set down Passengers at every Passenger Station which it shall pass on the Line: The Carriages in which Passengers shall be conveyed by such Train shall be provided with Seats, and shall be protected from the Weather, in a Manner satisfactory to the Lords of the said Committee:

The Fare or Charge for each Third Class Passenger by such Train shall not exceed One Penny for each Mile travelled:

Each Passenger by such Train shall be allowed to take with him Half a Hundred Weight of Luggage, not being Merchandize or other Articles carried for Hire or Profit, without extra Charge; and any Excess of Luggage shall be charged by Weight, at a Rate not exceeding the lowest Rate of Charge for Passengers Luggage by other Trains:

Children under Three Years of Age accompanying Passengers by such Train shall be taken without any Charge, and Children of Three Years and upwards, but under Twelve Years of Age, at Half the Charge for an Adult Passenger:

And with respect to all Railways subject to these Obligations which shall be open on or before the First Day of *November* next, these Obligations shall come into force on the said First Day of *November*; and with respect to all other Railways subject to these Obligations, they shall come into force on the Day of opening of the Railway, or the Day after the last Day of the Session in which the Act shall be passed by reason of which the Company will become subject thereunto, which shall first happen.

Penalty for Non-compliance.

VII. And be it enacted, That if any Railway Company shall refuse or wilfully neglect to comply with the Provisions of this Act as to the said cheap Trains within a reasonable Time, or shall attempt to evade the Operation of such Order, such Company shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds for every Day during which such Refusal, Neglect, or Evasion shall continue.

Board of Trade to have a discretionary Power of allowing alternative Arrangements.

VIII. Provided always, and be it enacted, That, except as to the Amount of Fare or Charge for each Passenger by such cheap Trains, which shall in no Case exceed the Rates herein-before in such Case provided, the Lords of the said Committee shall have a discretionary Power, upon the Application of any Railway Company, of dispensing with any of the Conditions herein-before required in regard to the Conveyance of Passengers by such cheap Trains as aforesaid, in consideration of such other Arrangements, either in regard to Speed, covering from the Weather, Seats, or other Particulars, as to the Lords of the said Committee shall appear more beneficial and convenient for the Passengers by such cheap Trains under the Circumstances of the Case, and shall be sanctioned by them accordingly; and any Railway Company which shall conform to such other Conditions as shall be so sanctioned by the Lords of the said Committee shall not be liable to any Penalty for not observing the Conditions which shall have been so dispensed with by the Lords of the said Committee in regard to the said cheap Trains and the Passengers conveyed thereby.

When no Tax to be levied.

IX. And be it enacted, That no Tax shall be levied upon the Receipts of any Railway Company from the Conveyance of Passengers

engers at Fares not exceeding One Penny for each Mile by any such cheap Train as aforesaid.

X. And be it enacted, That whenever any Railway Company subject to the herein-before mentioned Obligation of running cheap Trains shall, from and after the Days herein-before specified on which the said Obligation is to accrue, run any Train or Trains on *Sundays* for the Conveyance of Passengers, it shall, under the Obligations contained in its Act or Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railway, by such Train each Way, on every *Sunday*, as shall stop at the greatest Number of Stations, provide sufficient Carriages for the Conveyance of Third Class Passengers at the terminal and other Stations at which such *Sunday* Train may ordinarily stop; and the Fare or Charge for each Third Class Passenger by such Train shall not exceed One Penny for each Mile travelled.

Where Companies run Trains on the *Sunday* cheap Trains to be likewise provided.

XI. 'And whereas by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*, Provision was made for the Transmission of the Mails by Railway, and it is expedient that such Provision should be extended;' be it enacted, That it shall be lawful for the Postmaster General to require, in the Manner and subject to the Conditions as to Payment for Service performed prescribed by the said Act, that the Mails be forwarded upon any such Railway as is herein-before last mentioned at any Rate of Speed which the Inspector General of Railways for the Time being shall certify to be safe, not exceeding Twenty-seven Miles in the Hour including Stoppages; and it shall be also lawful for the Postmaster General to send any Mail Guard with Bags not exceeding the Weight of Luggage allowed to any other Passenger (or subject to the general Rules of the Company for any Excess of that Weight) by any Trains other than a Mail Train, upon the same Conditions as any other Passenger; provided that in such last-mentioned Case nothing herein or in the last-recited Act contained shall be construed to authorize the Postmaster General to require the Conversion of a regular Mail Train into an ordinary Train, or to exercise any Control over the Company in respect of any ordinary Train, nor shall the Company be responsible for the safe Custody or Delivery of any Mail Bags so sent.

Railway Companies to afford additional Facilities for the Transmission of the Mails.
1 & 2 Vict. c. 98.

XII. 'And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, it was among other things enacted, that whenever it shall be necessary to move any of the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or the Police Force, by any Railway, the Directors thereof shall and are hereby required to permit such Forces respectively, with their Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, to be conveyed at the usual Hours of starting, at such Prices or upon such Conditions as may from Time to Time be contracted for between the Secretary at War and such Railway Companies for the Conveyance of such Forces, on the Production of a Route or Order for their Conveyance signed by the proper Authorities: And whereas it is expedient to amend such Provision in regard to the Prices and Conditions of Conveyance

Certain Companies to convey Military and Police Forces at certain Charges.
5 & 6 Vict. c. 55.

‘ by any new Railway or any Railway obtaining new Powers from ‘ Parliament ;’ be it enacted, That all Railway Companies which have been or shall be incorporated by any Act of the present or any future Session, or which by any Act of the present or any future Session shall have obtained or shall obtain any Extension or Amendment of the Powers conferred by their previous Acts or any of them, or have been or shall be authorized to do any Act unauthorised by the Provisions of such previous Acts, shall be bound to provide such Conveyance as aforesaid for the said Military, Marine, and Police Forces, at Fares not exceeding Two-pence *per* Mile for each Commissioned Officer proceeding on Duty, such Officer being entitled to Conveyance in a First Class Carriage, and not exceeding One Penny for each Mile for each Soldier, Marine, or Private of the Militia or Police Force, and also for each Wife, Widow, or Child above Twelve Years of Age of a Soldier entitled by Act of Parliament or by competent Authority to be sent to their Destination at the public Expence, Children under Three Years of Age so entitled being taken free of Charge, and Children of Three Years of Age or upwards, but under Twelve Years of Age, so entitled, being taken at Half the Price of an Adult ; and such Soldiers, Marines, and Privates of the Militia or Police Force, and their Wives, Widows, and Children so entitled, being conveyed in Carriages which shall be provided with Seats, with sufficient Space for the reasonable Accommodation of the Persons conveyed, and which shall be protected against the Weather ; provided that every Officer conveyed shall be entitled to take with him One Hundred Weight of personal Luggage without extra Charge, and every Soldier, Marine, Private, Wife or Widow shall be entitled to take with him or her Half a Hundred Weight of personal Luggage without extra Charge, all Excess of the above Weights of personal Luggage being paid for at the Rate of not more than One Halfpenny *per* Pound, and all public Baggage, Stores, Arms, Ammunition, and other Necessaries and Things (except Gunpowder and other combustibile Matters, which the Company shall only be bound to convey at such Prices and upon such Conditions as may be from Time to Time contracted for between the Secretary at War and the Company,) shall be conveyed at Charges not exceeding Two-pence *per* Ton *per* Mile, the Assistance of the Military or other Forces being given in loading and unloading such Goods.

Companies to allow Lines of Electrical Telegraph to be established.

XIII. ‘ And whereas Electrical Telegraphs have been established ‘ on certain Railways, and may be more extensively established ‘ hereafter, and it is expedient to provide for their due Regu- ‘ lation ;’ be it enacted, That every Railway Company, on being required so to do by the Lords of the said Committee, shall be bound to allow any Person or Persons authorized by the Lords of the said Committee, with Servants and Workmen, at all reasonable Times to enter into or upon their Lands, and to establish and lay down upon such Lands adjoining the Line of such Railway a Line of Electrical Telegraph for Her Majesty’s Service, and to give to him and them every reasonable Facility for laying down the same, and for using the same for the Purpose of receiving and sending Messages on Her Majesty’s Service, subject to such reasonable Remuneration to the Company as may be agreed upon between

the

the Company and the Lords of the said Committee, or in case of Disagreement as may be settled by Arbitration : Provided always, that, subject to a prior Right of Use thereof for the Purposes of Her Majesty, such Telegraph may be used by the Company for the Purposes of the Railway, upon such Terms as may be agreed upon between the Parties, or, in the event of Difference, as may be settled by Arbitration.

XIV. And be it enacted, That where a Line of Electrical Telegraph shall have been established upon any Railway by the Company to whom such Railway belongs, or by any Company, Partnership, Person or Persons, otherwise than exclusively for Her Majesty's Service, or exclusively for the Purposes of the Railway, or jointly for both, the Use of such Electrical Telegraph, for the Purpose of receiving and sending Messages, shall, subject to the prior Right of Use thereof for the Service of Her Majesty and for the Purposes of the Company, and subject also to such equal Charges and to such reasonable Regulations as may be from Time to Time made by the said Railway Company, be open for the sending and receiving of Messages by all Persons alike, without Favour or Preference.

Electrical Telegraph established by private Parties to be open to the Public.

XV. 'And whereas by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to regulate Railways*, Power is given to the Lords of the said Committee to appoint any proper Person or Persons to inspect any Railway, and the Stations, Works, and Buildings, and the Engines and Carriages belonging thereto; and in order to carry the Provisions of this Act into execution it is expedient that the said Power be extended; be it enacted, That the said Power given to the Lords of the said Committee of appointing proper Persons to inspect Railways shall extend to authorize the Appointment by the Lords of the said Committee of any proper Person or Persons, for such Purposes of Inspection as are by the said Act authorized, and also for the Purpose of enabling the Lords of the said Committee to carry the Provisions of this and of the said Act and of any general Act relating to Railways into execution; and that so much of the last-recited Act as provides that no Person shall be eligible to the Appointment as Inspector who shall, within One Year of his Appointment, have been a Director, or have held any Office of Trust or Profit under any Railway Company, shall be repealed: Provided always, that no Person to be appointed as aforesaid shall exercise any Powers of Interference in the Affairs of the Company.

Appointment of Inspectors by Board of Trade.
3 & 4 Vict. c. 97.

XVI. 'And whereas by the said Act of the Fourth Year of the Reign of Her Majesty, intituled *An Act for regulating Railways*, it is among other things enacted, that whenever it shall appear to the Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any Railway Companies, or the Provisions of that Act, have not been complied with on the Part of any of the said Companies or any of their Officers, and that it would be for the public Advantage that the due Performance of the same should be enforced, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England or Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon

Repealing Provision of
3 & 4 Vict. c. 97.

' the said Attorney General or Lord Advocate shall, by Information, or by Action, Bill, Complaint, Suit at Law or in Equity, or other legal Proceeding (as the Case may require), proceed to recover such Penalties and Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of the said Acts; provided always, that no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice of their Intention to give the same to the Company against or in relation to whom they shall intend to give the same: And whereas it is expedient that more effectual Provision should be made, not only for enforcing a Compliance on the Part of Railway Companies with the Provisions of their Acts, but also for restraining Railway Companies from performing Acts unauthorized by such Provisions; be it enacted, That so much of the said Act as is herein-before recited shall be repealed.

If Railway Companies contravene or exceed the Provisions of their Acts, or of any general Act, the Board of Trade to certify the same to the Attorney General, &c., who shall proceed against them.

XVII. And be it enacted, That whenever it shall appear to the Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any Railway Company, or the Provisions of this Act or of any general Act relating to Railways, have not been complied with on the Part of any Railway Company or any of its Officers, or that any Railway Company has acted or is acting in a Manner unauthorized by the Provisions of the Act or Acts of Parliament relating to such Railway, or in excess of the Powers given and Objects defined by the said Act or Acts, and it shall also appear to the Lords of the said Committee that it would be for the public Advantage that the Company should be restrained from so acting, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England or Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon the said Attorney General or Lord Advocate shall, in case such Default of the Railway Company shall consist of Non-compliance with the Provisions of the Act or Acts relating thereto or of this Act, or of any general Act relating to Railways, proceed by Information, or by Action, Bill, Complaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, to recover such Penalties and Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of the said Acts; and in case the Default of the Railway Company shall consist in the Commission of some Act or Acts unauthorized by Law, then the said Attorney General or Lord Advocate, upon receiving such Certificate as aforesaid, shall proceed by Suit in Equity, or such other legal Proceeding as the Nature of the Case may require, to obtain an Injunction or Order (which the Judge in Equity or other Judge to whom the Application is made shall be authorized and required to grant, if he shall be of opinion that the Act or Acts of the Railway Company complained of is or are not authorized by Law.) to restrain the Company from acting in such illegal Manner, or to give such other Relief as the Nature of the Case may require.

XVIII. Pro-

XVIII. Provided always, and be it enacted, That no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice to the Company against or in relation to whom they shall intend to give such Certificate of their Intention to give such Certificate; and that no legal Proceedings shall be commenced under the Authority of the Lords of the said Committee against any Railway Company for any Offence against any of the several Acts relating to Railways or this Act, or any general Acts relating to Railways, except upon such Certificate of the Lords of the said Committee as aforesaid, and within One Year after such Offence shall have been committed.

Notice to be given to the Company, and Prosecutions to be under the Sanction of the Board of Trade, and within One Year after the Offence.

XIX. 'And whereas many Railway Companies have borrowed Money in a Manner unauthorized by their Acts of Incorporation or other Acts of Parliament relating to the said Companies, upon the Security of Loan Notes or other Instruments purporting to give a Security for the Repayment of the Principal Sums borrowed at certain Dates, and for the Payment of Interest thereon in the meantime: And whereas such Loan Notes or other Securities issued otherwise than under the Provision of some Act or Acts of Parliament have no legal Validity, and it is expedient that the Issue of such illegal Securities should be stopped; but such Loan Notes or other Securities having been issued and received in good Faith as between the Borrower and Lender, and for the most part for the lawful Purposes of the Undertaking, and in ignorance of their legal Invalidity, it is expedient to confirm such as have been already issued;' be it enacted, That from and after the passing of this Act any Railway Company issuing any Loan Note or other negotiable or assignable Instrument purporting to bind the Company as a legal Security for Money advanced to the said Railway Company otherwise than under the Provisions of some Act or Acts of Parliament authorizing the said Railway Company to raise such Money and to issue such Security, shall for every such Offence forfeit to Her Majesty a Sum equal to the Sum for which such Loan Note or other Instrument purports to be such Security: Provided always, that any Company may renew any such Loan Note or other Instrument issued by them prior to the passing of this Act for any Period or Periods not exceeding Five Years from the passing of this Act.

Issue of Loan Notes and other illegal Securities by Railway Companies prohibited.

Loan Notes already issued may be renewed.

XX. And be it enacted, That where any Railway Company, before the Twelfth Day of July One thousand eight hundred and forty-four, shall have issued or contracted to issue any such Loan Notes or other unauthorized Instruments, the Company may and shall pay off such Loan Notes or other Instruments as the same may fall due, subject as herein-before provided; and until the same shall be so paid off the said Loan Notes or other Instruments shall entitle the Holders thereof to the Payment by the Company of the Principal Sum and Interest thereby agreed to be paid.

Loan Notes already issued to be paid when due.

XXI. And be it enacted, That a Register of all such Loan Notes or other Instruments shall be kept by the Secretary; and such Register shall be open, without Fee or Reward, at all reasonable Times, to the Inspection of any Shareholder or Auditor of the Undertaking, and of every Person interested in any such Loan Note or other Instrument desirous of inspecting the same.

Register of Loan Notes.

Remedy for
Recovery of
Tithe Rent
charged on
Railway Land.

XXII. ' And whereas the Remedies now in force for the Recovery of Tithe Commutation Rent-charges are in many Instances ineffectual for such Parts thereof as are charged upon Lands taken for the Purposes of a Railway, and it is therefore expedient to extend the said Remedies when the said Rent-charges may have been duly apportioned ;' be it enacted, That in all Cases in which any such Rent-charge, or Part of any Rent-charge, has been or hereafter shall be duly apportioned under the Provisions of the Acts for the Commutation of Tithes in *England and Wales*, upon Lands taken or purchased by any Railway Company for the Purposes of such Company, or upon any Part of such Lands, it shall be lawful for every Person entitled to the said Rent-charge or Parts of such Rent-charge, in case the same has been or shall be in arrear and unpaid for the Space of Twenty-one Days next after any half-yearly Day fixed for the Payment thereof, to distrain for all Arrears of the said Rent-charge upon the Goods, Chattels, and Effects of the said Company, whether on the Land charged therewith, or any other Lands, Premises, or Hereditaments of such Company, whether situated in the same Parish or elsewhere, and to dispose of the Distress when taken, and otherwise to demean himself in relation thereto, as any Landlord may for Arrears of Rent reserved on a Lease for Years : Provided always, that nothing herein contained shall give or be construed to give a legal Right to such Rent-charge, when but for this Act such Rent-charge was not or could not be duly apportioned.

Communica-
tions to and
from Board of
Trade, Service
of Notices, &c.

XXIII. And be it enacted, That all Notices, Requisitions, Orders, Regulations, Appointments, Certificates, certified Copies, and other Documents in Writing, signed by some Officer appointed for that Purpose by the Lords of the said Committee, shall for the Purposes of this Act be deemed to have been made by the Lords of the said Committee ; and all Certificates of any thing done by the Lords of the said Committee in relation to this Act, and certified Copies of the Minutes of Proceedings or Correspondence of the Lords of the said Committee in relation thereto, signed by such Officer, shall be deemed sufficient Evidence thereof, and that in the Absence of Evidence to the contrary, without Proof of the Authority of the Person signing the same or of the Signature thereto, and Service of the same at one of the principal Offices of any Railway Company on the Secretary or Clerk of the said Company, or by sending the same by Post, addressed to him at such Office, shall be deemed good Service upon the said Company ; and all Notices, Returns, and other Documents required by this Act to be given to or laid before the Lords of the said Committee, shall be delivered at or sent by Post addressed to the Office of the Lords of the said Committee.

Penalties.

XXIV. And be it enacted, That all Penalties under this Act for the Application of which no special Provision is made shall be recovered in the Name and for the Use of Her Majesty, and may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriff Courts in *Scotland*.

Interpretation
of Act.

XXV. And be it enacted, That where the Word " Railway " is used in this Act it shall be construed to extend to Railways constructed under the Powers of any Act of Parliament ; and when the Words " Passenger Railway " are used in this Act, they shall

be construed to extend to Railways constructed under the Powers of any Act of Parliament upon which One Third or more of the gross annual Revenue is derived from the Conveyance of Passengers by Steam or other mechanical Power; and whenever the Word "Company" is used in this Act it shall be construed to extend to include the Proprietors for the Time being of any such Railway; and that where a different Sense is not expressly declared, or does not appear by the Context, every Word importing the Singular Number or the Masculine Gender shall be taken to include Females as well as Males, and several Persons and Things as well as one Person or Thing.

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

C A P. LXXXVI.

An Act for the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases.

[9th August 1844.]

WHEREAS by an Act passed in the Thirty-fourth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for granting to His Majesty certain Stamp Duties on Indentures of Clerkships to Solicitors and Attornies in any of the Courts in England therein mentioned*, it is enacted, that no Person who by any Contract in Writing made after the Days in the said Act respectively mentioned shall become bound to serve as a Clerk in order to his Admission as a Solicitor or an Attorney in any of the Courts therein mentioned shall be admitted to be a Solicitor or Attorney in any of the said Courts, unless the Indenture or other Writing containing such Contract, duly stamped, shall be enrolled or registered with the proper Officer to be appointed for that Purpose in the Court wherein such Person shall propose to be afterwards admitted a Solicitor or Attorney by virtue of his Service under such Contracts, together with an Affidavit of the Time of the Execution of such Contract by such Clerk; and in case such Indenture or other Writing shall not be enrolled or registered in such Court within Six Months next after the Execution thereof, together with such Affidavit, that then and in such Case the Service of such Clerk under such Indenture or Writing shall be deemed to commence from the Time of such Enrolment or Registry, and not from the Execution of such Indenture or Writing: And whereas by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales*, it is enacted, that whenever any Person shall after the passing of the said last-mentioned Act be bound by Contract in Writing to serve as a Clerk to any Attorney or Solicitor, as therein mentioned, such Attorney or Solicitor shall within Six Months after the Date of every such Contract make and swear, or cause to be made and sworn, an Affidavit of such Attorney or Solicitor having been duly admitted, and

34 G. S. c. 14.
6 & 7 Vict. c. 73.

‘ and also of the actual Execution of every such Contract, and
 ‘ containing such Particulars as are therein mentioned; and that
 ‘ every such Affidavit shall be filed within Six Months next after
 ‘ the Execution of the said Contract with the Officer therein men-
 ‘ tioned, who shall thereupon enrol and register the said Contract,
 ‘ and shall make and sign a Memorandum of the Day of filing such
 ‘ Affidavit upon such Affidavit, and also upon such Contract; and
 ‘ it is thereby provided, that in case such last-mentioned Affidavit
 ‘ be not filed within such Six Months, the same may be filed after
 ‘ the Expiration thereof, but that the Service of such Clerk shall
 ‘ be reckoned to commence and be computed from the Day of filing
 ‘ such Affidavit, unless One of the Courts of Law or Equity shall
 ‘ otherwise order: And whereas many Persons who may have paid
 ‘ the proper Stamp Duties either before or within Six Months
 ‘ after the Execution of the Contracts in Writing entered into by
 ‘ them for the Purposes aforesaid have omitted to cause Affidavits
 ‘ to be made, and afterwards to be filed in the proper Office, of the
 ‘ Execution of such Contracts, as required by the said first-men-
 ‘ tioned Act, and have also omitted to cause such Contracts, and
 ‘ the Indentures thereof, or the Assignment of any such Indentures
 ‘ to be enrolled within the Time in which the same ought to have
 ‘ been done, whereby they have incurred certain Disabilities; for
 preventing whereof, and relieving such Persons, be it enacted by
 the Queen’s most Excellent Majesty, by and with the Advice and
 Consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the Authority of the
 same, That every Person who shall, either before or within Six
 Months after the Execution of such Contract or Indenture, have
 paid the proper Stamp Duty in that Behalf, and who at the
 Time of the passing of this Act shall have neglected or omitted,
 or who may, within Six Months after the Execution of any
 such Contract or Indenture executed before the passing of this
 Act, neglect or omit to cause any such Affidavit or Affidavits,
 as required by the said first-mentioned Act as aforesaid, to
 be made and filed, or such Contract or Indenture or Assignment
 to be enrolled, and who on or before the First Day of *Hilary*
 Term next shall cause such Contract or Indenture or Assignment
 to be enrolled with the proper Officer in that Behalf, and One or
 more Affidavit or Affidavits, as required by the said first-men-
 tioned Act, to be made, and afterwards to be filed, in such Manner
 as the same ought to have been made and filed in due Time, shall
 be and is hereby indemnified, freed, and discharged from and
 against all Incapacities and Disabilities in or by any Act or Acts
 mentioned by reason of such Neglect or Omission; and every
 such Affidavit and Affidavits so to be made, and which shall be
 duly filed on or before the said First Day of *Hilary* Term next,
 shall be as effectual to all Intents and Purposes as if the same had
 been made and filed within the respective Times the same ought by
 the Laws now in being for that Purpose to have been made and
 filed.

Indemnity to
 Clerks who
 have neglected
 to enrol their
 Contracts.

Where Persons
 neglect to enrol
 their Contracts
 within the
 Time allowed

II. ‘ And whereas certain Persons who have become bound
 ‘ by Contracts as aforesaid, executed before the passing of this
 ‘ Act, may have enrolled the same after the Expiration of Six
 ‘ Months from the Date thereof, or may omit to enrol the same
 ‘ within

‘ within the Time hereby provided ;’ be it enacted, That it shall be lawful for any of Her Majesty’s Superior Courts of Law or Equity at *Westminster*, in any Case where any such Contract executed before the passing of this Act shall not have been enrolled within Six Months from the Date thereof, or shall not be enrolled within the Time by this Act allowed, to order and direct, either before or after the Contract shall in any such Case have been enrolled, with the proper Affidavit by Law required, that the Service under such Contract shall be reckoned to commence and be computed from the Execution of such Contract, or from any subsequent Period prior to such Enrolment, as such Court may think fit ; and the same shall be deemed to have so commenced accordingly, whether such Person shall at any Time afterwards apply to be admitted in the same or any other Court, any thing in the said first-mentioned Act or any other Act to the contrary notwithstanding.

the Court may order the Service to commence from the Execution.

III. ‘ And whereas since the passing of the said Act of the Sixth and Seventh Years of Her present Majesty’s Reign the aforesaid Provisions of the said Act of the Thirty-fourth Year of the Reign of King *George* the Third have become unnecessary, and it is expedient that the same should be repealed ;’ be it therefore enacted, That so much of the said last-mentioned Act as relates to the Enrolment and registering of Indentures and other Writings containing any Contract whereby any Person shall become bound to serve as a Clerk in order to his Admission as a Solicitor or Attorney in any of the Courts in the said Act mentioned, together with such Affidavit as aforesaid, shall, in respect of all such Indentures or Writings made or executed after the passing of this Act, be and the same is hereby repealed : Provided always, that nothing herein contained shall be deemed or construed to repeal or alter any of the Provisions of the said Act of the Sixth and Seventh Years of the Reign of Her present Majesty.

Provisions of 34 G. 3. c. 14. as to the Enrolment of Contracts, repealed.

IV. ‘ And whereas many Attornies, Solicitors, Notaries Public, and others, may have omitted or may hereafter omit to take out annual Certificates, or to enter or register the same in the proper Office, and Persons who may have served as Clerks to such Attornies, Solicitors, Notaries Public, and others, may by reason of such Omission have incurred or may hereafter incur certain Disabilities ;’ for preventing whereof be it enacted, That no Person who now has or hereafter shall have regularly served any Attorney or Attornies, Notary Public or Notaries Public, for the Term of Years required by Law, shall be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons whom he served for the same Term or any Part thereof having neglected or omitted to take out his annual Certificate, or to enter or register the same ; provided such Person so having served is otherwise entitled to be so admitted as aforesaid by the Laws for the Time being in force relating thereto.

Neglect of Attornies, &c. in taking out their annual Certificates not to disqualify their Clerks.

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

Act may be amended, &c.

C A P. LXXXVII.

An Act to amend the Law for regulating Places kept for slaughtering Horses. [9th August 1844.]

‘ **W**HEREAS by an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, and also by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Provision was made for the Regulation and Inspection of Houses and Places kept for the Purpose of slaughtering Horses: And whereas it is expedient to make further Provision for the better and more effectual Regulation and Inspection of such Houses and Places;’ be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Licence which shall after the passing of this Act be granted under or by virtue of the said Act of the Twenty-sixth Year of King *George* the Third, authorizing any Person to keep or use any House or Place for the Purpose of slaughtering or killing any Horse or other Cattle (not killed for Butchers Meat), shall be granted, and shall continue in force, for a Period not exceeding One Year from the Date at which the same was granted, determinable as herein-after provided: Provided nevertheless, that in the Case of the Renewal of any such Licence to any Person to whom any such Licence may have been previously granted as aforesaid it shall not be necessary for such Person to obtain or produce to the Justices at such General Quarter Sessions of the Peace a Certificate under the Hands and Seals of the Minister, Churchwardens, Overseers, or Householders, as required by the said last-mentioned Act.

New Licences to be annual.

Justices in Quarter Sessions may cancel Licences.

II. And be it enacted, That it shall be lawful for the Justices assembled at any General Quarter Sessions of the Peace to be holden for any County, upon Application and Complaint made to them in Writing by any Person, and upon due Proof being made to them that the Party so complaining had given Fourteen Days previous Notice in Writing thereof to the Clerk of the Peace for such County, and also to the Party complained against, and upon due Proof to their Satisfaction that any Person so licensed as aforesaid has been guilty of any Breach or Violation of the said Two several herein-before recited Acts, or either of them, or of this Act or any Part or Parts thereof respectively, to cancel and wholly put an end to any and every Licence which may have been granted to the Person or Persons so complained against, and from thenceforth the same shall be of no Force or Effect.

Persons wantonly or cruelly ill-treating any Horse liable to Penalty.

III. And be it enacted, That if any such licensed or other Person shall wantonly or cruelly beat, ill-treat, abuse, wound, or torture any Horse or other Cattle in any House, Pound, Stable, or other Place in the Occupation or Use of such licensed Person, every such Person shall for every such Offence, on Conviction thereof, forfeit and pay a Sum of Money not exceeding Five Pounds.

Power for Constables to enter licensed Places.

IV. And be it enacted, That it shall be lawful for any Constable from Time to Time, and as often as he shall think fit, at all reasonable Times in the Daytime, by Authority of this Act, either alone

alone or accompanied by any Inspector appointed or to be appointed under the first-recited Act, to enter upon and view and inspect all and every the Houses, Stables, Sheds, Yards, Grounds, and Premises for the keeping of which any such Licence shall have been granted as aforesaid, and also to inspect or take an Account of all or any of the Horses or other Cattle which shall from Time to Time be found upon such Premises or any Part thereof.

V. And be it enacted, That in case any Person to whom any such Licence shall be granted as aforesaid, or any other Person, shall at any Time or in any Manner obstruct, hinder, molest, or assault any such Inspector whilst in the Discharge of his Duty, or the Exercise of his Power or Authority under or by virtue of the said first-recited Act or of this Act, every such Offender shall for every such Offence, on Conviction thereof, forfeit and pay such a Sum of Money, not exceeding Ten Pounds, as any Two or more Justices before whom such Offender shall be brought shall deem fit.

Penalty for obstructing Inspectors.

VI. And be it enacted, That in case any such Inspector shall at any Time be guilty of any Neglect or Violation of the Duty required of him by Law, then and in every such Case such Inspector shall, upon Conviction, forfeit and pay for every such Offence a Sum of Money not exceeding Ten Pounds.

Penalty for Inspector neglecting Duty.

VII. And be it enacted, That all Offences against this Act, or any of the Provisions thereof, shall and may be heard and determined before and by any Two or more Justices of the Peace for the County within which the Offence shall have been committed; and all Penalties and Forfeitures incurred thereby respectively shall and may be recoverable, with Costs, before and awarded by any such Justices, and shall be applied as follows; namely, such Part as the Justices shall think fit to the Person who shall inform and prosecute for the same, and the Remainder thereof to the Sheriff or other proper Officer of the County in which such Conviction shall take place, for Her Majesty's Use, and shall be returned to the Court of Quarter Sessions, under the Provisions of an Act passed in the Third Year of His late Majesty King George the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures and Recognizances estreated*; and in case of Nonpayment of any such Penalty or Forfeiture respectively it shall and may be lawful for such Justices forthwith to commit the Offender to the Common Gaol or Prison within the Jurisdiction of such Justices for any Time not exceeding One Calendar Month, as to such Justices shall seem meet.

Offences may be heard by Two Justices.

Penalties, how to be recovered and applied.

3 G. 4. c. 46.

VIII. And be it enacted, That the Prosecution of every Offence punishable under this Act shall be commenced within Three Calendar Months next after the Commission of the Offence, and not otherwise; and the Evidence of the Party complaining shall be admitted in proof of the Offence.

Limitation as to summary Proceedings.

IX. And be it enacted, That any Person who shall think himself aggrieved by any summary Order or Conviction made by any Justice or Justices of the Peace under the Authority of this Act may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County wherein the Cause of Complaint shall have arisen, provided that such Person at the Time of the Order or Conviction, or within Forty-eight Hours

Appeal to Quarter Sessions.

Hours thereafter, shall enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled, and to pay such Costs as shall be by the last-mentioned Justices awarded; and it shall be lawful for the Justice or Justices of the Peace by whom such Order or Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the hearing of such Appeal, and that every such Witness, on producing a Certificate of his being so bound under the Hand of the Justice or Justices, shall be allowed Compensation for his Time, Trouble, and Expences in attending the Appeal, which Compensation shall be paid in the first instance by the Treasurer of the County, in like Manner as in Cases of Misdemeanor, under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*; and in case the Appeal shall be dismissed, and the Order or Conviction affirmed, the reasonable Expences of all such Witnesses attending as aforesaid, to be ascertained by the Court, shall be repaid to the Treasurer of the County by Appellant.

7 G. 4. c. 64.

Meaning of
certain Words
used in this
Act.

X. And be it enacted, That the Words herein-after mentioned, which in their usual Signification have a more restricted or different Meaning, shall in this Act (except where the Nature of the Provisions or the Context of the Act shall exclude such Construction) be interpreted as follows; (that is to say,) the Word "County" shall include City, Town, Borough, Cinque Port, Riding, Liberty, or Division; the Word "Horse" shall include Mare, Gelding, Mule, Pony, Colt, or Filly; the Word "Cattle" shall include Bull, Ox, Cow, Steer, Heifer, Calf, Ass, Sheep, Lamb, Goat, Pig, or any other domestic Animal; the Word "Constable" shall include Headborough, Peace Officer, or Police Officer; and every Word importing the Singular Number only shall extend and be applied to several Persons and Things as well as to one Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male.

C A P. LXXXVIII.

An Act to widen and improve *Piccadilly* in the City of *Westminster*. [9th August 1844.]

‘ WHEREAS that Portion of the Street called *Piccadilly* in
‘ the City of *Westminster* which lies between *Bolton Street*
‘ on the East and *Park Lane* on the West is narrow and restricted
‘ in Space, and it is expedient that the same should be widened
‘ and improved as herein-after mentioned: And whereas the
‘ Queen’s most Excellent Majesty has been graciously pleased to
‘ permit and approve of a Portion of Her Majesty’s Park, called
‘ the *Green Park*, in the Parish of *Saint Martin-in-the-Fields*,
‘ being appropriated by the Commissioners of Her Majesty’s Woods,
‘ Forests, Land Revenues, Works, and Buildings for the Purpose
‘ of widening *Piccadilly*, as herein-after mentioned, and it is ex-
‘ pedient that the Portion of the said Park so to be used should
‘ be

‘ be severed from the Parish of *Saint Martin-in-the-Fields*, and ‘ annexed to the Parish of *Saint George Hanover Square*, in the ‘ City of *Westminster*, as herein-after mentioned.’ But inasmuch as the Objects aforesaid cannot be accomplished without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners for the Time being of Her Majesty’s Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, to widen and improve the Carriage Road and South Side Footway of so much of the Street called *Piccadilly*, in the Parish of *Saint George Hanover Square* in the County of *Middlesex*, as lies between *Bolton Street* on the East and *Park Lane* on the West, and to take and use for that Purpose so much of Her Majesty’s Park called the *Green Park*, in the Parish of *Saint-Martin-in-the-Fields*, as will make the said Street called *Piccadilly* from *Bolton Street* to *Park Lane* of an uniform Width of Seventy Feet or thereabouts.

II. And be it enacted, That in carrying the Purposes of this Act into execution it shall be lawful for the said Commissioners and they are hereby empowered to raise, lower, alter, or remove, or cause to be raised, lowered, altered, or removed, the whole or any Portion of the Carriage and Footways of *Piccadilly* aforesaid, and the Pavement thereof respectively, and the Lamps and Lamp Posts or other Things standing or being thereon, and during the widening and Improvement of the said Street to stop up or cause to be stopped up all or such Part of the Carriage or Foot Ways of the said Street as shall be necessary for the Purpose of this Act, and to put up or cause to be put up Bars, Posts, and other Erections, and to make such Orders for regulating the Passage of Carts, Carriages, and Horses, and to lay out or cause such Part of the said Street so widened as aforesaid to be laid out for Carriageways, and such Part thereof for Foot Passengers, as to the said Commissioners shall seem proper.

III. Provided always, and be it enacted, That the said Commissioners shall well and effectually pave over, either with Stone, Wood, or other Material, or macadamize, such Portion of the Carriageway or Footways of the said Street as may be altered or removed by them in carrying into effect the Purposes of this Act.

IV. And be it enacted, That the Portion of the said Park called the *Green Park* by this Act authorized to be appropriated towards widening *Piccadilly* shall immediately after such Appropriation, and from thenceforth for ever, be severed from the Parish of *Saint Martin-in-the-Fields* in the City of *Westminster*; and the whole of the Street called *Piccadilly*, extending from *Bolton Street* aforesaid to *Park Lane* aforesaid, when so widened and improved as aforesaid, and the Carriageway and Footways on each Side thereof, as well on the South Side as on the North Side thereof, and every Part thereof, shall be deemed to be and shall be to and for all Intents and Purposes an integral Part and Portion of the said Parish of *Saint George Hanover Square*, and shall no longer be Part or Parcel of the said Parish of *Saint Martin-in-the-Fields*,

The Commissioners of Woods empowered to widen *Piccadilly* between *Bolton Street* and *Park Lane*.

Carriageway and Footway of *Piccadilly* may be altered and shut up during the Progress of the Works.

Street, as widened, to be re-paved by the Commissioners of Woods.

For severing a Portion of the *Green Park* from the Parish of *St. Martin-in-the-Fields*, and annexing the same to the Parish of *St. George Hanover Square*.

any Law, Statute, Custom, or Usage to the contrary thereof in anywise notwithstanding.

The whole of Piccadilly, between Bolton Street and Park Lane, when widened and improved, to be repaired by the Parish of St. George Hanover Square.

V. And be it enacted, That after the said Street called *Piccadilly* shall have been widened and improved as aforesaid, and the Portion of the said Park by this Act authorized to be appropriated to the widening and Improvement thereof shall have been first levelled and paved by the said Commissioners, the whole of the said Street, and the Carriageway and Footways, as well on the South as on the North Side thereof, between *Bolton Street* and *Park Lane* aforesaid, shall for ever thereafter be maintained and kept in repair by and at the Expence of the parochial or other Officers, Body or Bodies, Person or Persons, who at the Time of the passing of this Act are or may be by Law liable to the Repair of that Portion of the said Street called *Piccadilly* as is situate in the Parish of *Saint George Hanover Square*.

Powers of 5 & 6 Vict. c. 19. extended to this Act.

VI. And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are hereby authorized and empowered, as regards the Lands and Hereditaments mentioned in the Schedule to this Act, and for the Purpose of obtaining the actual and immediate Possession thereof, to have, use, and exercise all and every the same or the like Powers and Authorities as are contained in an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to empower the Commissioners of Her Majesty's Woods to form a new Opening from the Knightsbridge Road into Hyde Park, and a new Opening from High Street, Kensington, into an intended new Road across the Palace Green; and for annexing a Piece of Extraparochial Ground in the Royal Garden to the respective Parishes of Saint Mary Abbots Kensington and Saint Mary Paddington in several Portions*, as fully in all respects as if the Lands and Hereditaments mentioned in the Schedule to this Act were to be obtained for the Purpose of the said last-mentioned Act, and as if the Lands and Hereditaments mentioned in the Schedule to this Act had been mentioned and included in the Schedule to the said recited Act; and all the Clauses and Provisions in the said recited Act contained empowering the said Commissioners, on behalf of Her Majesty, to take and use any Lands or Hereditaments, and to treat for the Purchase thereof, and for enabling or requiring Bodies Politic, Trustees, and other Persons to sell and convey, and to accept Satisfaction for the Value of Lands and Hereditaments taken, for requiring Parties to deliver Statements of their Claims to the said Commissioners, and for ascertaining and fixing, by the Verdict of a Jury or otherwise, the Amount of Compensation to be paid to such Bodies Politic, Trustees, or other Persons, and for regulating the Payment of the Purchase Money and the Apportionment of Rents, for enabling and requiring Mortgagees to release and convey, and providing for Cases where the Mortgage Money is more than the Value of the Lands comprised in the Security, or where a Part only of the Lands comprised in any Security is taken, and all other Powers and Authorities, Clauses, and Provisions, whether compulsory or otherwise, given or granted to the said Commissioners, or mentioned in or prescribed by the said recited Act, shall extend and be applicable to the Lands or Here-

Hereditaments mentioned in the Schedule to this Act, in such and the same or the like Manner as if all the said Powers and Authorities, Clauses, Provisions, and Regulations, were herein repeated and expressly re-enacted, and adapted to such last-mentioned Lands and Hereditaments, and to the Owner or Owners, Mortgagee or Mortgagees, Lessee or Lessees, Tenant or Tenants, Occupier or Occupiers thereof respectively, save and except in so far only as such Clauses, Provisions, and Regulations may be repugnant to the Objects effected or intended to be effected by this Act.

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

VIII. 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.

The SCHEDULE referred to by this Act.

Parish.	Description.	Owner.	Lessee.	Occupier.
Saint Martin-in-the-Fields.	Tenement and Garden.	The Crown	The Baron Rothschild.	The Baron Rothschild.

C A P. LXXXIX.

An Act for auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings. [9th August 1844.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty, intituled *An Act for uniting the Office of Surveyor General of His Majesty's Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods and Forests and Land Revenues; and for other Purposes relating to the Land Revenues*: And whereas Doubts have arisen as to the Powers vested in the Commissioners for examining and auditing the Public Accounts of the Kingdom, in examining and auditing the Accounts referred to them under the said Act, and also the several Accounts of other Monies under the Control and Management of the first-mentioned Commissioners: Be it declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners for auditing the Public Accounts of the Kingdom shall examine, try, and audit the Accounts of all Monies which by any Act of Parliament are or shall be under the Control and Management of the Commissioners of Her Majesty's Woods, Forests, Land Revenue, Works, and Buildings. 2 & 3 W. 4. c. 1.
Commissioners for auditing the Public Accounts shall audit the Accounts of the Commissioners of Woods, &

ings, and in examining, trying, and auditing any of the said Accounts shall be deemed to have had at all Times heretofore and shall have all the Powers which are vested in them under an Act of the Twenty-fifth Year of the Reign of King George the Third, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom*, and under any other Act now in force, or any Law, Usage, Custom, or otherwise howsoever: Provided always, that such Audit, as to the Accounts of the first-mentioned Commissioners, with respect to their Execution of the Powers intrusted to them under an Act passed in the Fifty-third Year of the Reign of King George the Third, intituled *An Act for making a more convenient Communication from Mary-le-bone Park and the Northern Parts of the Metropolis in the Parish of Saint Mary-le-bone to Charing Cross within the Liberty of Westminster, and for making a more convenient Sewage for the same*, or of any Act for amending the last-recited Act, or for extending the Powers of the same, shall not include any Period before the Thirty-first Day of *March* in the Year One thousand eight hundred and forty-one.

25 G. 3. c. 52.

Proviso.

53 G. 3. c. 121.

Accounts when audited and declared to be kept of Record in the Land Revenue Record Office.

II. And be it enacted, That every general Account of the Land Revenue of the Crown referred or which may be referred by the first-recited Act to the Commissioners for auditing the Public Accounts of the Kingdom, after the same shall have been audited, declared, and enrolled in the Office of Her Majesty's Remembrancer of the Court of Exchequer, shall be delivered by the said Commissioners of Audit, so audited and declared, together with the several detailed and subsidiary Accounts of the Receivers, Surveyors, Rangers, Gavellers, Stewards, Bailiffs, Collectors, or other local Officers for the Time being charged or intrusted with the Receipt or Collection of Rents or other Monies, Dues, Royalties, or Revenues of the Crown (which are or may be mentioned or referred to in such general Account), to the Keeper of Land Revenue Records and Enrolments, not later than Three Years after the Declaration of the said general Account, unless by special Direction of the Commissioners of Her Majesty's Treasury any of the said Accounts shall be kept for a longer Time, not more than Seven Years, for Comparison with the Accounts of following Years; and such general and detailed and subsidiary Accounts, and the Declaration thereof, shall thenceforth remain of Record in the said Office of Land Revenue Records and Enrolments.

Records in the Land Revenue Record Office to be valid.

III. And be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tithes, or Hereditaments are or shall be specified or mentioned in the Record of such Accounts in the said Office of the Land Revenue Records and Enrolments, such Rents, Revenues, Issues, and Profits shall be holden to be duly in charge by, to, or with the Auditor or Auditors or other proper Officer or Officers of the Revenue; and the Record of such Accounts in the said Office of Land Revenue Records and Enrolments shall be as valid and effectual, and shall be deemed to have the same Effect and legal Incidents, as the Enrolment and Record of such Accounts in the Office of Her Majesty's Remembrancer of the Court of Exchequer, or in any other Office, or before or with any Officer of any other Court of Record of Law or Equity of the United Kingdom of *Great Britain and*

Ireland,

Ireland, or before or with any Auditor or Auditors or other Officer or Officers of the Revenue.

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

Act may be amended, &c.

C A P. XC.

An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in *Ireland*; and for amending the Laws in *Ireland* respecting Bankrupts and the Limitation of Actions. [9th August 1844.]

WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better Discovery of Judgments in the Court of King's Bench, Common Pleas, and Exchequer at Dublin, and for the greater Security of Purchasers*, it was enacted, that the Officers therein mentioned should put into alphabetical Docket Entries of Cognovits or Judgments, and Rules for Judgments, and that such Dockets should be put into and kept in Books in the Offices therein mentioned, and that such Judgments should, as against Purchasers or Mortgagees, be Judgments only from the Time of their being docketed and entered under the Provisions of the said Act, and should not have any Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Estates, but from the Time aforesaid: And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to protect Purchasers for valuable Considerations in Ireland against Judgments not revived or re-docketed within a limited Time*, it was amongst other things provided, that Judgments of the Superior Courts in *Ireland* should in certain Cases be void as against Purchasers, unless the same should be re-docketed, or a Revival thereof entered in the Manner therein mentioned: And whereas it is expedient to make further Provisions for the Protection of Purchasers against Judgments, and against Crown Debts and Lis Pendens, and to establish One Office in *Dublin* in which alone Purchasers, and Heirs, Executors, or Administrators, may find all Judgments which would bind Lands in the Hands of a Purchaser, or give a Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Effects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *November* in the Year One thousand eight hundred and forty-four no Judgment of any Superior Court of Record, or Rule for such Judgment, shall be docketed or entered under the Provisions of the said Act of the Third Year of the Reign of His late Majesty King *George* the Second; and that from and after that Day no such Judgment, nor any Revival of any such Judgment, shall

3 G. 2. (I.)

9 G. 4. c. 35.

Judgments, in order to be valid as against Purchasers, &c., not to be re-docketed or revived under Provisions of recited Acts

after 1st of
November
1844.

Re-docketing
and Revival
Books to be
handed over to
Officers under
this Act, &c.

Judgments re-
docketed or
revived under
9 G. 4. c. 35.
to operate
against Pur-
chasers from
Dates of re-
docketing, &c.

Memorandum
of Particulars
of Judgments
to be left with
Officer under
this Act, and
by him regis-
tered, otherwise
invalid as
against Pur-
chasers, &c.

be re-docketed or entered under the said Provisions of the said Act of the Ninth Year of the Reign of His late Majesty King *George the Fourth*; and that all Books of or for such Re-docketings or Entries under either of the said Acts shall on the First Day of *November* in the Year One thousand eight hundred and forty-four be finally closed, without Prejudice to the Operation of any Judgment which shall have been in that Time docketed and entered, or re-docketed or entered, in the Book of Revivals, under the Provisions of either of the said recited Acts, except so far as any such Judgment may be affected by the Provisions herein-after contained; and that upon the Close of the said First Day of *November* in the Year One thousand eight hundred and forty-four all the said re-docketing and Revival Books kept under the Provisions of the said last-mentioned Act in every of the said Superior Courts of Common Law in *Ireland* shall, by the Officer having in each of such Courts respectively the Custody of the same, be handed over to the Officer to be appointed under this Act; and that such Books, when so handed over, shall be forthwith deposited by the said last-mentioned Officer in the Office to be established under this Act, and shall be considered as Part of the Books to which Access is to be had for the Charge of Three Shillings or of One Shilling, as herein-after provided; and that all Judgments which have already been, or on or before the First Day of *November* One thousand eight hundred and forty-four shall be, re-docketed or entered as revived in the said Books, under the Provisions of the said Act of the Ninth Year of the Reign of His late Majesty King *George the Fourth*, shall be deemed to be registered under the Provisions of this Act, and shall operate from the Time of such re-docketing or Entry after the Revival precisely as if the same had been registered under the Authority of this Act, but with the Benefit of its actual Priority as the same existed before the passing of this Act, and shall be subject to the Provision herein-after contained with respect to the re-registering.

II. And be it enacted, That no Judgment of the said Superior Courts respectively, or Rule for such Judgment, already docketed under the said first-recited Act, and which has not already been, or shall not on or before the said First Day of *November* One thousand eight hundred and forty-four be, re-docketed or entered after Revival under the said Act of the Ninth Year of the Reign of His late Majesty King *George the Fourth*, shall, after the First Day of *November* One thousand eight hundred and forty-five, nor shall any Judgment of the said Superior Courts respectively which on the said First Day of *November* One thousand eight hundred and forty-four shall not be docketed under the said first-recited Act, or which shall be obtained after that Day, affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute thereof, containing the Names, and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Plaintiff and Defendant or Person whose Estate is intended to be affected thereby, and the Court in which such Judgment or Rule shall have been obtained, and the Date of such Judgment or Rule, and the Amount of the Debt, Damages, Costs, or Monies thereby recovered

recovered or ordered to be paid, shall be left with the Officer to be appointed under this Act, who shall forthwith enter the same Particulars in a Book in alphabetical Order, by the Name of the Defendant or Person whose Estate is intended to be affected by the said Judgment or Rule; or unless and until the same shall be duly revived according to the Course and Practice of the said Superior Courts respectively; and a like Memorandum or Minute as aforesaid, stating also the Revival thereof, shall be left with the Officer to be appointed under this Act, who shall forthwith enter the same Particulars in a Book of Revivals to be kept by him in alphabetical Order, by the Name of the Defendant or Person whose Estate is intended to be affected by such Judgment or Rule; and such Officer shall be entitled for every such Entry to the Sum of Five Shillings.

Fee for Entry.

III. 'And whereas under and by virtue of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, and for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland*, Provision is made for Entries of the Decrees, Orders, and Rules therein mentioned, in like Manner as the aforesaid Judgments and Rules are hereby required to be registered; be it enacted, That from and after the First Day of *November* in the Year One thousand eight hundred and forty-four all such Entries as last aforesaid shall be made by the Officer for the Time being appointed under the Authority of this Act; and that all Books belonging to the Office established under the said last-mentioned Act shall, on the Close of the said First Day of *November*, be deposited in the Office established by this Act, and shall be considered as Part of the Books to which Access is to be had for the Charge of Three Shillings or of One Shilling, as herein-after provided; and that all Entries of Decrees, Orders, and Rules which have already been, or on or before the said First Day of *November* One thousand eight hundred and forty-four shall be, made in the said Books, under the Provisions of the said last-mentioned Act, shall be deemed to be Entries made under the Provisions of this Act, and shall operate from the Time of such Entries precisely as if the same had been registered under the Authority of this Act, and be subject to the Provisions hereafter contained with respect to re-registering.

3&4 Vict. c.105.

Decrees, &c. to be entered by Officer under this Act, and Books to be transferred to his Office.

Entries under recited Act to be deemed to be made under this Act, and to operate from Dates of Entry.

IV. And be it enacted, That no Rule of a Court of Common Law, nor any Judgment, Rule, or Order of any of the Inferior Courts, in the Act of the Third and Fourth Years of Queen *Victoria* mentioned, which has already been or hereafter shall be removed into a Superior Court in manner therein mentioned shall from and after the First Day of *November* One thousand eight hundred and forty-four affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until such a Memorandum or Minute thereof, containing the Name or Title of the Cause or Matter in which the same shall have been made or pronounced, and the Names and the usual or last known

Rules and Orders, &c. to be void against Purchasers, unless entered with Officer under this Act.

Place of Abode, and the Title, Trade, or Profession of the Plaintiff, if there be such, and of the Defendant or Person whose Estate is intended to be affected thereby, and the Court in which such Judgment, Rule, or Order shall have been pronounced, and the Date of the same, and the Amount of the Debt, Damages, Costs, and Monies thereby recovered or ordered to be paid, shall be left with the Officer appointed under this Act, who shall forthwith enter the same in manner aforesaid; and such Officer shall be entitled for every such Entry to the Sum of Five Shillings.

Fee for Entry.

The Date when Memorandum of Particulars is left with Officer to be entered in the Book.

Judgments, Decrees, Orders, &c. after Twenty Years to be void against Purchasers, unless fresh Memorandum is left with Officer.

V. And be it enacted, That, in addition to the Entry by the said last-mentioned Act or by this Act required to be made in a Book of the Particulars to be contained in every Memorandum or Minute of any Judgment, Decree, Rule, or Order, or other Matter, such Officer so to be appointed as aforesaid shall insert in such Book the Year and the Day of the Month when every such Memorandum or Minute is so left with him.

VI. And be it enacted, That all Judgments already re-docketed or entered after Revival, or which on or before the First Day of November One thousand eight hundred and forty-four shall be re-docketed or entered after Revival, under the said Act of the Ninth Year of His late Majesty King George the Fourth, shall, after the Expiration of Twenty Years from the Date of such Re-docket or Entry, and all Judgments which, having been entered or docketed under the said Act of the Third Year of His late Majesty King George the Second only, shall be registered under the Provisions of this Act, and all Judgments of the Superior Courts respectively which shall for the first Time be docketed or registered under the Provisions of this Act, shall respectively after the Expiration of Twenty Years from the Date of such Registry under this Act, and all Decrees or Orders in any Court of Equity, Rules in any Court of Common Law, and Orders in Bankruptcy or Lunacy, which since the passing of the said recited Act of the Third and Fourth Years of the Reign of Her present Majesty have been or shall be registered under the Provisions therein mentioned, or which shall be registered under the Provisions of this Act, and all Judgments, Rules, and Orders of any Inferior Courts which shall be registered under the Provisions of this Act, shall, after the Expiration of Twenty Years from the Date of the Entry thereof under the said last-mentioned Act or under the Provisions of this Act (as the Case may be), be null and void against Lands, Tenements, and other Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a like Memorandum or Minute, as was required in the first instance, be again left with such Officer, to be appointed under this Act within Twenty Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right to the Estate or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, or as to Creditors within Twenty Years before the Right of such Creditor accrued, and so *toties quoties* at the Expiration of every succeeding Twenty Years; and such Officer as aforesaid shall forthwith re-enter the same in like Manner as the same was originally entered; and such Officer shall be entitled for any such Re-entry to the Sum of One Shilling.

Fee for re-entering.

VII. Provided always, and be it enacted, That an original Entry under the said first-recited Act or under this Act shall be deemed binding, without any Re-docket or Registry under the said Act of the Ninth Year of His said late Majesty King *George* the Fourth or under this Act, on all Purchasers and Mortgagees who claim or shall claim under any Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, Estate, or Interest in or to any such Purchaser or Mortgagee for valuable Consideration, executed within Twenty Years after the Date of such Entry, and on all Creditors whose Right shall have accrued or shall accrue within that Period, without Prejudice to the Provision herein-before contained requiring Judgments and Rules entered under the said Act of the Third Year of His late Majesty King *George* the Second, but not re-docketed or entered under the said Act of the Ninth of His late Majesty King *George* the Fourth, to be registered under this Act; but that to affect any Purchaser or Mortgagee whose Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Right, Title, or Interest in or to any such Purchaser or Mortgagee for valuable Consideration shall be executed at any Time after Twenty Years from the Date of such original Entry, or any Creditor whose Right shall accrue at any Time after the like Period, every such Judgment must be re-registered within Twenty Years before such subsequent Conveyance, Settlement, Lease, Deed, or Instrument shall be executed or such Right shall accrue, and so *toties quoties*, to bind later Purchasers, Mortgagees, and Creditors: Provided always nevertheless, that no Mortgagee or Purchaser shall be affected in any Manner by any Judgment or Rule which shall not have been registered or re-registered within Twenty Years before the Execution of the Conveyance, Settlement, Mortgage, Lease, or other Deed or Instrument vesting or transferring the legal or equitable Estate in or to any such Mortgagee or Purchaser, although such Judgment or Rule would, as between the Person entitled to the Benefit thereof and any subsequent Incumbrancer within the Twenty Years, bind the Lands, Tenements, or Hereditaments conveyed, settled, mortgaged, leased, or otherwise vested in such Purchaser or Mortgagee; nor shall any such subsequent Incumbrancer be prejudiced by the Protection hereby given to such Mortgagees and Purchasers as aforesaid.

VIII. Provided also, and be it enacted, That as against a Purchaser or Mortgagee, without Notice of any such Judgment, Decree, Rule, or Order as aforesaid, none of such Judgments, Decrees, Rules, or Orders shall bind or affect any Lands, Tenements, or Hereditaments, or any Interest therein, further or otherwise or more extensively in any respect, although duly registered or re-registered, than a Judgment of any of the Superior Courts aforesaid would have bound such Purchaser or Mortgagee before the said Act of the Third and Fourth Years of the Reign of Her present Majesty, where it had been duly docketed according to the Law then in force.

IX. Provided also, and be it enacted, That nothing in the said recited Act of Her present Majesty or in this Act contained shall extend to revive or restore any Judgment which shall be extinguished

An original Entry to be deemed binding upon Purchasers, &c. claiming under any Deed executed within 20 Years without re-docketing or registering;

but to affect any Purchaser, &c. whose Deed shall be executed after 20 Years from the Date of the original Entry, every Judgment must be re-registered.

Proviso.

Judgments, Decrees, &c. not to affect Purchasers more extensively than they would have done previous to the Act of 3&4 Vict. c. 105.

Act not to revive Judgments which are barred, or affect

them as between the Parties.

tinguished or barred, nor shall the same extend to affect or prejudice any Judgment as between the Parties thereto, or their Representatives, or those deriving as Volunteers under them, save so far as is herein expressly provided.

Lis Pendens not to affect Purchasers, &c., unless duly registered under this Act.

X. And be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty-four no Lis Pendens shall bind or affect a Purchaser or Mortgagee, without express Notice thereof, unless and until a Memorandum or Minute containing the Name and the usual or last known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate shall be intended to be affected thereby, and the Court of Equity, and the Title of the Cause or Information, and the Day when the Bill or Information was filed, shall be left with such Officer so to be appointed as aforesaid, who shall forthwith enter the same Particulars in a Book as aforesaid, in alphabetical Order, by the Name of the Person whose Estate is intended to be affected by such Lis Pendens, and which Book is to be intituled "The Index to Lis Pendens;" and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and the Provisions herein-before contained in regard to the re-registering of Judgments every Twenty Years, and the Operation thereof, and the Fee payable to the Officer thereon, shall extend to every Case of Lis Pendens which shall be re-registered under the Provisions of this Act.

Fee for entering Lis Pendens.

Recognizances, Crown Bonds, &c. not to affect Purchasers, &c., unless duly registered under this Act.

XI. And be it enacted, That from and after the First Day of *November* in the Year One thousand eight hundred and forty-four no Judgment, Statute, or Recognizance which shall hereafter be obtained or entered into in the Name or upon the proper Account of Her Majesty, Her Heirs or Successors, or Inquisition upon which any Debt shall hereafter be found due to Her Majesty, Her Heirs or Successors, or Obligation or Specialty which shall hereafter be made to Her Majesty, Her Heirs or Successors, or any Acceptance of Office which shall hereafter be accepted by Officers whose Lands shall thereby become liable for the Payment and Satisfaction of Arrerages under the Provisions of an Act passed in a Session of Parliament holden in the Twenty-first and Twenty-second Years of the Reign of His late Majesty King *George the Third*, intituled *An Act for the more speedy and effectual Recovery of the King's Debts*, shall affect any Lands, Tenements, or Hereditaments, as to Purchasers or Mortgagees, unless and until a Memorandum or Minute, containing the Name and the usual or last known Place of Abode, and the Title, Trade, or Profession, of the Person whose Estate is intended to be affected thereby, and also in the Case of any such Judgment the Court and the Title of the Cause in which such Judgment shall have been obtained, and the Date of such Judgment, and the Amount of the Debt, Damages, and Costs thereby recovered, and also in the Case of a Statute or Recognizance the Sum for which the same was acknowledged, and before whom the same was acknowledged, and the Date of the same, and also in the Case of an Inquisition the Sum thereby found to be due, and the Date of the same, and also in the Case of an Obligation or Specialty the Sum in which the Obligor shall be bound, or for which the Obligation or Specialty shall be made, and the Date of the same, and also in the Case of Acceptance of

21&22G.S. (1.)

Office

Office the Name of the Office, and the Time of the Officer accepting the same, shall be left with such Officer acting under this Act as aforesaid, who shall forthwith enter the same Particulars in a Book, to be intituled "The Index to Debtors and Accountants to the Crown," in alphabetical Order, by the Name of the Person whose Estate is intended to be affected by such Judgment, Statute, or Recognizance, Inquisition, Obligation, or Specialty, or the Acceptance of any Office; and such Officer shall be entitled for every such Entry to the Sum of Two Shillings and Sixpence; and all Persons shall be at liberty to search the said Book, and also the other Books which are to be handed over as aforesaid to the Officer to be appointed under this Act, and also all the Books which are to be kept under the Provisions of this Act, or any or either of the said Books, on Payment of the Sum of Three Shillings, until the Year One thousand eight hundred and sixty-three, and after that Period for the Charge of One Shilling, and no more, whether some only or all of the said Books shall be searched, and no Multiplication of Books is to increase the Fee.

Fee for Entry.

Searches.

XII. And be it enacted, That the Secondary of the Court of Exchequer and the Clerk of the Recognizances of the Court of Chancery respectively shall, on or before the First Day of *November* One thousand eight hundred and forty-four, cause to be carefully prepared a Book or Books, to be called "The Index to Debtors and Accountants to the Crown," containing in alphabetical Order all the Particulars herein-before mentioned; and that such Book, when so completed before, and containing a correct Entry of all the Particulars which can be derived from the various Bonds, Recognizances, and Judgments which shall on the said First Day of *November* be in force as of Record in the said Offices of Secondary and Clerk of the Recognizances respectively, shall be by them handed over to the Officer to be appointed under this Act; and that said Book or Books shall be subject to all the Regulations prescribed by this Act with respect to the "Index to Debtors and Accountants to the Crown" herein-before mentioned; and that all Persons shall be at liberty to search or inspect the same Book or Books, and no additional Fee shall be paid for such Search or Inspection; and the Cost of preparing such Book or Books in the Court of Chancery shall be allowed by the Lord Chancellor, and be paid by his Direction out of the Suitors Fee Fund of that Court; and the Costs of preparing such Book or Books in the Court of Exchequer shall be allowed by the Lord Chief Baron, and be paid by his Direction out of the Suitors Fee Fund of that Court.

An Index of Recognizances, Crown Bonds, &c. to be made out, and handed over to Officer under this Act.

XIII. And be it enacted, That wherever a Quietus, or a Certificate or Order in the Nature of a Quietus, shall be obtained by a Debtor or Accountant to the Crown, and an Office Copy thereof, and of the Certificate or Consent of the Attorney General for *Ireland*, shall be left with such Officer so to be appointed as aforesaid, that the same may be registered, such Officer shall forthwith enter the same in the said Book of Debtors and Accountants to the Crown, in alphabetical Order, by the Name of the Persons whose Estate is intended to be discharged thereby, with the Date, and shall for every such Entry be entitled to a Fee of Two Shillings and Sixpence.

Quietus to Debtors and Accountants to be registered.

Fee for Entry.

XIV. 'And

Purchasers of Lands from Crown Debtors may in certain Cases obtain a Discharge of the purchased Lands from Crown Debts and a Certificate of such Discharge.

XIV. 'And whereas it is expedient to make further Provisions for the Discharge of an Estate belonging to a Debtor or Accountant to the Crown from the Claim of the Crown in the Lands of a Purchaser or Mortgagee, although the Debt or Liability shall not be fully discharged;' be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, or any Three of them, by Writing under their Hands, upon Payment of such Sums of Money as they may think fit to require into the Receipt of Her Majesty's Exchequer, to be applied in liquidation of the Debt or Liability of any Debtor or Accountant to the Crown, or upon such other Terms as they may think proper, to certify that any Lands, Tenements, or Hereditaments of any such Crown Debtor or Accountant shall be held by the Purchaser or Mortgagee, or intended Purchaser or Mortgagee thereof, his or their Executors, Administrators, and Assigns, wholly exonerated and discharged from all further Claims of Her Majesty, Her Heirs or Successors, for or in respect of any Debt, Claim, or Liability, present or future, of the Debtor or Accountant to whom such Lands, Tenements, or Hereditaments belonged, or in case of Leases for Fines, to certify that the Lessees, their Heirs, Executors, Administrators, and Assigns, shall hold, so exonerated and discharged, without Prejudice to the Rights and Remedies of the Crown against the Reversion of the Lands, Tenements, or Hereditaments comprised in any such Leases, and the Rents and Covenants reserved and contained by and in the same, and thereupon the same Lands, Tenements, and Hereditaments shall respectively be held wholly exonerated and discharged as aforesaid, but in Cases of Leases without Prejudice as aforesaid.

Such Discharge not to affect any Claim of the Crown on other Lands liable.

XV. Provided also, and be it enacted, That any such Certificate, or the Discharge of any such Lands, Tenements, or Hereditaments by virtue of this Act, shall in nowise impeach, lessen, or affect the Right or Power of Her Majesty, Her Heirs or Successors, to levy the whole of any Debt or Demand which may at any Time be due from any such Debtor or Accountant to the Crown out of or from any other Lands, Tenements, or Hereditaments which would have been liable thereto in case no such Certificate had been granted, and no such Discharge had been obtained.

Requisition for Negative Search.

XVI. And be it enacted, That from and after the First Day of *November* One thousand eight hundred and forty-four every Person who shall require a Negative Search to be made in the Office to be established under this Act, and a Certificate of such Search to be given, shall deliver unto or leave with the said Registrar a Note or Requisition, fairly written on Paper or Parchment, in the Words or to the Effect following, and the same shall be deemed One Search; (that is to say),

'NEGATIVE Search for Judgments, Revivals, Decrees, Rules, and Orders registered or re-registered against
' for _____ Years last past, or from the
' Day of _____ in the Year _____ to the
' Day of _____ in the Year _____ and for Judgments at the Suit of the Crown, Statutes, Recognizances, Crown Bonds, Lis Pendens, Inquisitions, and Acceptances of Office, registered

registered or re-registered against for
 Years last past, or from the Day of in
 the Year to the Day of
 in the Year

XVII. And be it enacted, That the Registrar shall upon the Delivery of such Requisition file the same in the Order in which it shall be received, and shall with all due Diligence give to the Person making such Requisition for a Negative Search a Certificate in the Words or to the Effect following; (that is to say, Registrar to file Requisition, and give Certificate.)

ON Search made in the Office for the Registration of Judgments and Incumbrances affecting Real Estates, in pursuance of the foregoing Requisition, I do not find any [but the above-mentioned (*these Words to be omitted when none appear*)] Judgments, Revivals, Decrees, Rules or Orders, Judgments at the Suit of the Crown, Statutes, Recognizances, or Crown Bonds, Lis Pendens, Inquisitions, or Acceptances of Office, registered or re-registered within the respective Periods aforesaid, against the said

[Name of Registrar.]

Witness or Witnesses present when
 the Search was made.

And if said Registrar shall be guilty of any Fraud, Collusion, or wilful Neglect in making out such Certificate of a Negative Search, whereby any Person shall be aggrieved or damnified, such Person so damnified, his Heirs, Executors, or Administrators, shall recover full Damages against such Registrar, with full Costs of Suit: Provided always, that from and after the First Day of November One thousand eight hundred and forty-five no Search shall be made for any of the Matters authorized to be registered under this Act, except at the Office to be established under the Provisions of this Act. Registrar liable in Damages for Fraud, &c.

XVIII. And be it enacted, That from and after the First Day of November One thousand eight hundred and forty-four every Person who shall require a Common Search to be made in the Office to be established under this Act, and a Certificate of such Search to be given, shall deliver unto or leave with the said Registrar or his Deputy a Note or Requisition, fairly written on Paper or Parchment, in the Words or to the Effect following, and the same shall be deemed One Search; (that is to say, Requisition for Common Search.)

SEARCH for Judgments, Revivals, Decrees, Rules, and Orders registered or re-registered against for
 Years last past, or from the Day of in
 the Year to the Day of in the
 Year (as the Case may be), and for Judgments at
 the Suit of the Crown, Statutes, Recognizances, Crown Bonds,
 Lis Pendens, Inquisitions, and Acceptances of Office registered
 or re-registered against the said for
 Years last past, or from the Day of
 in the Year to the Day of
 in the Year

XIX. And be it enacted, That the Registrar shall upon the Delivery of such Requisition file the same in the Order in which it shall be received, and shall with all due Diligence give to the Person making such Requisition for a Common Search a Certificate. Registrar to file Requisition, and give a Certificate.

cate setting forth such of the foregoing as he shall find registered or re-registered in the said Office against such Person.

Certificates to be liable to Law Fund Duty.

XX. And be it enacted, That every Docket or Requisition for a Negative or Common Search respectively shall, from and after the said First Day of *November* One thousand eight hundred and forty-four, be liable, in lieu of the existing Stamp Duty, to a Duty of the following Amount; that is to say, a Duty of One Pound upon every Docket or Requisition for a Negative Search against each Person, and a Duty of Seven Shillings for every Docket or Requisition for a Common Search against each Person; but no more than One Docket or Requisition shall be necessary in any Case against any One Person; and the said Stamp Duties shall be subject to all the Laws and Regulations to which the existing Duty is now liable, or under which it is levied and regulated.

Duplicate Books may be made out, if necessary.

XXI. And be it enacted, That it shall be lawful for the Lord Chancellor, the Chief Justice, the Master of the Rolls, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer in *Ireland*, or the Majority of them, at any Time hereafter, in case they shall deem it fit, to direct that Duplicate Copies shall for the Purposes of this Act be made of the said Books by this Act directed to be handed over to the Officer appointed under this Act, or of the Books directed to be by the said Officer kept under the Provisions of this Act, or of any of such Books, and thereupon the said Officer to be appointed under this Act shall have such Duplicate Copies forthwith made out, and shall for that Purpose employ a fit and proper Clerk or Clerks, and shall pay the Expences of making out such Book or Books out of the Fees received or to be received under the Provisions of this Act; and said Officer shall be entitled to Credit for such Payments in passing his Accounts under the Provisions herein-after contained, after the same shall be directed by the Judges aforesaid.

A Registrar of Judgments to be appointed for Purposes of this Act.

XXII. ' And whereas by the said Act passed in the Third and Fourth Years of the Reign of Her present Majesty it was provided that the Entries for the Purpose of the Registration of Decrees, Rules, and Orders as therein mentioned should be made by an Officer to be appointed as therein-mentioned, and the Registrations which may be made under this Act render it expedient to make further and other Provisions upon this Subject; be it therefore enacted, That the Officer constituted by the said last-mentioned Act shall cease to act from the First Day of *November* One thousand eight hundred and forty-four; and it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron in *Ireland*, or the Majority of them, and they are hereby required, forthwith, and from Time to Time, when Occasion shall require, to appoint an Officer to be called the "Registrar of Judgments," whose Duty it shall be to attend daily in his Office, and to superintend the Business thereof, and to sign a Certificate of all Searches issuing from said Office, and to receive and account for all Fees payable under this Act in manner herein-after directed; and it shall also be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, and they are hereby required, forthwith, and from

Duties of Registrar.

Two Assistant Clerks to be appointed.

from Time to Time as Occasion may require, to appoint Two Assistant Clerks, whose Duty it shall be to attend daily in the said Office, and make Entries in the several Books by this Act directed to be kept, and to act generally in the Despatch of the Business of the said Office, under the Direction of the said Registrar; and the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron are hereby required to assign an Office within the public Buildings called the Four Courts, *Dublin*, or within the Buildings or Offices contiguous thereto and attached to or connected therewith, and the said Registrar and Clerks shall discharge the Duties of the said Office in the Place so to be appointed, and in no other Place; and any Expence attendant on such Arrangement shall be charged amongst the incidental Expences herein-after provided for.

Their Duties.

XXIII. And be it enacted, That for the Purpose of making Searches under this Act it shall and may be lawful for the Registrar appointed under this Act and he is hereby required to employ Two competent Clerks, to be removable at his Pleasure, who shall be paid in respect to each distinct Search, for the Quantity of their Work, at the Rate of One Shilling for every Period of Twenty Years or fractional Portion thereof over which each Search made by them respectively against any One Person shall extend: Provided always, that no more than One Clerk shall be so paid in respect of each Common Search, but both may be employed and paid in respect of each Negative Search, such Payments to be charged in the incidental Expences in manner herein-after provided: Provided always, that the first Appointment of Assistant Clerks and of Searching Clerks shall be filled up with Persons now holding the same Office or Offices, with Duties of a like Nature, in the Common Law Courts, and whose Offices are about to be abolished, if any such Persons shall be willing to accept of such Appointments; and any such Searching Clerks so re-appointed as aforesaid shall not be removable by the Registrar under this Act, without the Consent of the Lord Chancellor.

Registrar may appoint Searching Clerks.

First Appointment.

XXIV. And in order to secure the Services of competent Persons to perform the said Business of Searching Clerks, be it enacted, That each of the said Clerks to be employed therein by the Registrar appointed under this Act as aforesaid shall be entitled to receive for and during the Time he shall be so employed a Salary at the Rate of One hundred Pounds *per* Year, over and above the said Allowance of One Shilling *per* Search, such Salary to be paid to them in manner herein-after provided.

Salaries to Searching Clerks.

XXV. And be it enacted, That the Registrar to be appointed from Time to Time under this Act shall quarterly on the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fourth Day of *December*, retain and pay out of the Produce of the Fees to be received under the Authority of this Act the several Sums following; (that is to say,) to and for the Use of him the said Registrar the Sum of Two hundred Pounds, being Eight hundred Pounds yearly; to and for the Use of the First Clerk the Sum of Sixty-two Pounds Ten Shillings, being Two hundred and fifty Pounds yearly; to and for the Use of the Second Clerk the Sum of Twenty-five Pounds, being One hundred

Application of Fees provided for.

Salaries.

hundred Pounds yearly; and to each of the said Searching Clerks the Sum of Twenty-five Pounds, being One hundred Pounds yearly; and to and for the Use of the Registrar of Decrees, Rules, and Orders (whose Office is hereby transferred to the Registrar under this Act,) the Sum of Twenty-five Pounds quarterly, being One hundred Pounds yearly, as Compensation for the Loss of his said Office; and the said Registrar shall also pay quarterly, on the Days before mentioned, the Compensation which shall be awarded under the Provisions herein-after contained to the Registrar of Decrees and Orders appointed under the said Act of the Third and Fourth Years of Her present Majesty, and shall also pay all such Compensations as may be at any Time hereafter payable under the Provisions herein-after contained; and the said Registrar shall also retain and pay out of the said Fees all such other Sums for Books, Stationery, Coals, Candles, and other incidental Expences; and such Registrar shall, in Ten Days after the Twenty-fifth Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of *September*, and Twenty-fourth Day of *December* respectively in each Year, pay into the Receipt of Her Majesty's Exchequer in *Ireland* the Balance of all such Sum and Sums of Money as shall remain in his Hands after making such Payments as aforesaid (retaining, however, a Sum sufficient to discharge the current Expences of the said Office), and which Sum or Sums so to be paid into the said Exchequer by the said Registrar shall thereupon be carried to and made Part of the Consolidated Fund of *Great Britain and Ireland*; and such Registrar shall, in Fourteen Days after the Twenty-fourth Day of *December* in each Year, deliver unto the Office of Her Majesty's Commissioners for auditing the Public Accounts for the Time being an Account, signed by such Registrar, of all Fees received by him under this Act for the Year ending such Twenty-fourth Day of *December*, and of all Disbursements and Sums of Money paid by him according to the Directions of this Act, properly vouched and verified by a Declaration, as in such Cases usual, at the Foot thereof, by such Registrar, if required, before one of the Masters of the Court of Chancery, who is hereby authorized and required to administer such Declaration, and in case of the Death of such Registrar then his Executors or Administrators shall, within Six Calendar Months after his Death, deliver in like Manner to the said Commissioners for auditing the Public Accounts, an Account, signed by such Executors or Administrators respectively, of all Fees received and of all Disbursements and Sums paid by such Registrar from the latest Day to which he shall have so accounted to his Death, which Account shall be verified in like Manner by such Executors or Administrators; and the said Commissioners for auditing the Public Accounts shall and are hereby required to inquire into, audit, and settle, with all convenient Speed, every such Account so delivered, and to verify under their Hands the Balance (if any) due thereon; and such Registrar, or his Executors or Administrators, shall, within Six Days after each such Account respectively shall be so audited and certified, pay into the Receipt of Her Majesty's Exchequer in *Ireland* all such Sum or Sums of Money as shall be so certified as the Balance in his or their Hands, which Payment shall thereupon be carried to and made Part of the said Consolidated

Registrar to
 lodge Balances
 quarterly;

and to account
 yearly.

Account to be
 audited.

Consolidated Fund of *Great Britain and Ireland*; and the said Commissioners for auditing the Public Accounts, in examining, trying, and auditing the said Accounts, shall have all the Powers which are vested in them under an Act of the Twenty-fifth Year of the Reign of King *George the Third*, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom*, and under any other Act now in force, or any Law, Usage, or Custom, or otherwise howsoever, save and except where other Provision shall be made for the same by this Act: Provided always, that in case the Fees so to be received by the Registrar to be appointed pursuant to the Provisions of this Act shall not be sufficient in any One Quarter to pay the Salaries, Compensations, Allowances, and other Expences hereby made payable thereout, it shall be lawful for the said Registrar to certify to the Commissioners of Her Majesty's Treasury the gross Amount received on account of such Fees during such Period, and the Salaries, Compensations, and other Disbursements payable thereout; and thereupon the Commissioners of Her Majesty's Treasury may inquire into the Correctness of such Account, and shall be at liberty to direct that any Deficiency in such Receipts to meet the said several Salaries, Compensations, Allowances, and other Expences shall be paid out of the Consolidated Fund of *Great Britain and Ireland*.

25 G. S. c. 52.

XXVI. And be it enacted, That in case the said Registrar, his Executors or Administrators, shall at any Time neglect or make default in lodging his Balances quarterly as aforesaid, or in delivering in such Account as herein-before directed to the said Commissioners for auditing the Public Accounts, or in paying over any Balance which may be certified as due thereon within the Periods aforesaid, then and in any such Case such Registrar, or such Executors or Administrators having Assets sufficient to make such Payments, shall pay into the said Exchequer, together with such Balance, Interest on all such Balances as shall appear from Time to Time to have been retained by him at the Rate of Twenty Pounds *per Centum per Annum* from the Expiration of the said Periods aforesaid until paid in.

Registrar to pay Twenty Pounds per Centum on Balances not lodged, &c.

XXVII. And to the end that such quarterly Payment of such Balance, if any, on the Foot of such Account, may be ascertained, be it enacted, That upon Payment thereof a Receipt or Discharge for the same shall be signed by the proper Officer in the Exchequer, which shall be produced and exhibited by the said Registrar to the said Commissioners for auditing the Public Accounts, on the passing of such Account, or within One Calendar Month from the Date thereof, as the Case may be, or by his Executors or Administrators within Three Calendar Months from the Date thereof; and the said Commissioners are hereby required to demand and have the Receipt for such quarterly Payment produced to them before they shall audit said Account, and shall also require the Receipt for the Balance due on any former Account to be produced to them before they shall audit and certify any subsequent Account for such Registrar, in manner herein-before directed.

Registrar to obtain Receipt for Balance lodged, and to produce same before Account audited.

XXVIII. And be it enacted, That if it shall herein-after appear to the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and

Additional Clerks may, if necessary, be appointed.

and the Lord Chief Baron, or the Majority of them, that the Business of the said Office established under the Authority of this Act cannot be discharged with due Despatch without the Assistance of an additional Clerk or Clerks, then and in such Case it shall be lawful for the said Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, by and with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to direct that One or more additional Clerk or Clerks shall be appointed, with such Salary and Salaries as they shall deem proper, to be paid out of the Fees received or to be received under the Authority of this Act.

Power to
abolish and
reduce Fees.

XXIX. And be it enacted, That whenever it shall appear to the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, that the Fees herein-before directed to be payable under this Act shall be more than sufficient to answer and pay the several Salaries and other Payments for the Time being chargeable thereon, it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, or a Majority of them, by and with the Consent of the Commissioners of Her Majesty's Treasury for the Time being, from Time to Time to abolish any Fee, or to reduce such Fees, as may to them, or to a Majority of them, with such Consent as aforesaid, from Time to Time seem fit, and if it should be deemed proper, with the like Consent, again from Time to Time to revive or increase any of the Fees so reduced, but not beyond the Amounts hereby directed to be paid.

Registrar or
any Assistant
Clerk may be
removed for
Misconduct, &c.

XXX. And be it enacted, That it shall and may be lawful to and for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron, or the Majority of them, on Complaint duly made, or on any Offence or Misconduct of which they may otherwise acquire judicial Knowledge, and after full Inquiry into the alleged Grounds thereof, by Affidavit or otherwise, as they shall think fit respectively, to remove the said Registrar or any Assistant Clerk of the said Office appointed under the Provisions of this Act from his Office, for any Offence or Misconduct in such Office which they or the Majority of them shall deem deserving of such Punishment, and thereupon such Registrar or Assistant Clerk shall cease to hold or be entitled to such Office; and it shall be lawful for the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, or the Majority of them, on Complaint and Inquiry as aforesaid, to inflict upon such Registrar or Clerk for any minor Offence such Punishment by way of Fine as they or the Majority of them shall deem expedient.

Provisions of
this Act not to
abridge Right
of Action
against Officers,
&c. under
former Acts.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any Action or Indictment, or any Remedy or Proceeding whatsoever, which at any Time heretofore may or might have been brought, found, had, or taken

against any Officer or Clerk heretofore appointed under the said recited Acts or any of them, for or in respect of any Misconduct in Office which may have occurred or taken place, but that all such Actions, Indictments, Remedies, and Proceedings for any such Misconduct may be brought forward, had, or taken as if this Act had never been made.

XXXII. And be it enacted, That from and after the Commencement of this Act the Registrar and Clerks appointed under this Act shall respectively perform their Duties in Person, except only in case of Absence under the Sanction herein-after provided; (that is to say,) in case of Illness or other necessary or proper Cause of Absence it shall be lawful for the said Registrar or Assistant Clerks, or either or any of them, from Time to Time as Occasion may require, to appoint a Deputy (such Deputy, and also the Occasion for such Appointment, to be first approved of by the Lord Chancellor, upon a Petition being verified), for such Time and under such Regulations as the Lord Chancellor 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 of such Registrar or Clerk, such Sum as shall be directed by the said Order; and that at all Times during the temporary Absence of the said Registrar under such Permission as aforesaid the Signature of his Deputy shall be good and valid to any Search or other Document requiring the Signature of such Registrar.

Duties to be performed in Person.

Deputy may in certain Cases be appointed.

XXXIII. And be it enacted, That every Person who shall at any Time after the passing of this Act be appointed to be Registrar or Clerk of or in the Office established under this Act shall be and he is hereby declared to be incapable of practising as a Barrister, or as an Attorney or Solicitor, or as Agent or Clerk of an Attorney or Solicitor, of any Court of Law or Equity in Ireland, either separately or in Partnership with any other, or in the Name of any other Person or Persons, during such Time as such Person shall hold the Situation, Office, or Employment of Registrar or Clerk in such Office; and if the said Registrar or Clerks, or any of them, shall, contrary to the true Intent and Meaning of this Act, so practise as such Barrister, Attorney, Solicitor, Agent, or Clerk, while he shall hold such Situation, Office, or Employment under this Act, the Lord Chancellor shall, on sufficient Proof of the same, dismiss the Person so offending from his Office or Employment, and the Person so dismissed shall be rendered incapable of ever after holding any Office or Employment in any of the said Courts.

Registrar and Clerks not to practise as Barrister, Attorney, &c.

XXXIV. 'And whereas the Office of Secondary of the Court of Exchequer is held by virtue of Her Majesty's Letters Patent, during good Behaviour, by *Andrew Carew O'Dwyer* Esquire, Barrister at Law, and the Rights thereof will be injuriously affected by the Operation of this Act, and it is just to provide a Remedy for the same;' be it therefore enacted, That immediately after the passing of this Act the Court of Exchequer, or any Two Barons thereof, shall proceed to inquire into and ascertain the official Receipts of the said Secondary for each Year of the Period directed in an Act passed in the Sixth and Seventh Year of

Provision for Compensation to Secondary of the Exchequer.

6 & 7 Vict. c. 55. Her Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the Equity Side of the Court of Exchequer in Ireland*, on account of all Matters and Things done and transacted in the said Office for the said Period; and the said Court of Exchequer or Barons aforesaid shall strike an Average of the said annual Receipts, and shall certify the Amount of the said Average so struck to the Lords Commissioners of Her Majesty's Treasury; and thereupon the said Officer, so long as he shall retain his said Office, shall render an Account quarterly, verified upon Oath, and shall be entitled to claim and receive quarterly and every Quarter, and in such Manner as other Compensations shall be payable under this Act, the Amount of any Deficiency of Income, if such should occur, in each or any Quarter, between his Receipt of Fees, to be taken into account from the First Day of *November* next, and One Fourth Part of the average Income to be struck and certified as herein-before directed, in order that the said Officer shall suffer no Loss in his Office by the Operation of this Act.

Compensations
to other Offi-
cers.

XXXV. And be it enacted, That all other Officers and Persons employed in the Offices of any of Her Majesty's Courts whose Offices are hereby transferred, or whose Salary or Emoluments shall, in consequence of the passing of this Act, fall short in Amount of the Salary or Emoluments received by them in right of their respective Offices or Employments, shall be entitled to receive such Compensation in respect thereof as the Commissioners of Her Majesty's Treasury shall ascertain to be just and proper, according to an Average of the Income enjoyed by any such Persons for the Seven Years next preceding the Day appointed for the Commencement of this Act, the Amount of such Compensation to be ascertained in such Manner and by such Means as the said Commissioners of Her Majesty's Treasury shall think proper to direct, and to be charged and chargeable, and paid and payable to the several Persons entitled thereto, out of the same Fund, at the same Periods, and in the same Manner as herein-before provided for the Salaries and Expences hereby directed to be paid.

Conveyances,
Contracts, &c.
with Bankrupts
protected where
no Notice of
Act of Bank-
ruptcy, and
made *bonâ*
fide;

XXXVI. ' And whereas it is expedient that further Provisions ' should be made for the Security of Persons dealing with Bank- ' rupts; ' be it therefore enacted, That all Conveyances by any Bankrupt *bonâ fide* made and executed, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and *bonâ fide* made and entered into, before the Date and issuing of the Commission against such Bankrupt, and all Executions and Attachments against the Lands and Tenements or Goods and Chattels of such Bankrupt which shall be *bonâ fide* executed or levied before the Date and issuing of such Commission, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person or Persons to whom such Bankrupt so conveyed, or the Person or Persons so dealing with such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have been issued, 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 such Bankrupt committed: Provided also, that nothing herein contained shall be deemed

deemed or taken to give Validity to any Payment made by any Bankrupt, being a fraudulent Preference of any Creditor or Creditors of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit given by any Bankrupt by way of such fraudulent Preference.

XXXVII. And be it enacted, That no Purchase from any Bankrupt *bonâ 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.

XXXVIII. ' And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in Ireland*, it is 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: And whereas by reason of such Provision Plaintiffs in Actions have been and may be deterred from accepting a Cognovit actionem, with Stay of Execution, whereby the Expence of further Proceedings in such Actions might have been and may be saved or diminished; for Remedy whereof be it enacted, That no Judgment signed or Execution issued after the passing of this Act on a Cognovit actionem signed after Declaration filed or delivered, or Judgment by Default, Confession, or Nil dicit, according to the Practice of the Court, in any Action commenced adversely, and not by Collusion for the Purpose of fraudulent Preference, should be deemed or taken to be within the said Provision of the said Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth.

XXXIX. ' And whereas by an Act passed in the Eighth Year of the Reign of His Majesty King *George* the First, intituled *An Act for the more effectual quieting and securing Possessions, and preventing vexatious Suits at Law*, it was amongst other things provided, that all Actions and Suits in Law or in Equity for Recovery of any Debt due by single Bill, or Bond under Hand and Seal, or by Judgment, Statute Staple, Statute Merchant, or Recognizance, should after the Lapse of Time therein mentioned be barred, unless upon certain Proceedings being taken, or Payments or Satisfaction being made, as therein respectively mentioned: And whereas since the passing of the said Act certain other Statutes have been passed for the Limitations of Actions upon Judgments and other Charges upon Land, Bonds, and other Specialties and Recognizances: And whereas Doubts have been entertained whether the Provisions of the said Act have been altered or affected by the said later Statutes: Now for quieting and putting an end to such Doubts, it is hereby declared and enacted, That the said later Acts were and shall be deemed to be a Repeal of the said Act passed in the Eighth Year of the Reign of His late Majesty King *George* the First.

also, with Notice, unless Commission sued out within 12 Months.

No Judgment signed or Execution issued on a Cognovit signed after Declaration filed, &c., or Judgment by Default, &c., deemed within 6 & 7 W. 4. c. 14.

The Act 8 G. 1. (I.) to be deemed to have been repealed.

Lists of Fees to
be placed up
in Office.

XL. And be it enacted, That the Registrar to be appointed under this Act shall place up in proper and conspicuous Parts of his Office Lists or Schedules of the several Fees payable under this Act, so that the Public may at all Times have Access to the same.

Extent of Act.

XLI. And be it enacted, That this Act shall extend to *Ireland* only.

C A P. XCI.

An Act to consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*. [9th August 1844.]

‘ **W**HEREAS Her Majesty was, on the Seventh Day of *October* in the Year One thousand eight hundred and forty-three, pleased to issue a Commission to certain Persons therein named, directing them, amongst other things, to make a full and diligent Inquiry into the State of the Laws as administered in *South Wales* which regulate the Maintenance and Repair of Turnpike Roads, Highways, and Bridges: And whereas the said Commissioners made their Report to Her Majesty, bearing Date the Sixth Day of *March* in the Year One thousand eight hundred and forty-four: And whereas the said Commissioners, by their said Report, among other things, recommended that the Debts then chargeable upon the several Turnpike Trusts in *South Wales* should be ascertained and redeemed, and also that the several Trusts in each of the respective Counties then existing should be consolidated and placed under uniform Management and Control; and that the Laws and Regulations relating to the Collection and Application of Tolls should be revised and amended: And whereas it is expedient that these and certain other Recommendations of the said Commissioners should be adopted, with certain Modifications thereof:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord High Treasurer, or the Commissioners of Her Majesty’s Treasury for the Time being, or any Three or more of them, by any Writing under their Hands, to appoint any competent Persons, not being more than Three in Number, to be Commissioners for carrying this Act into execution, One of whom shall be in manner aforesaid appointed Chief Commissioner for the Time being, and upon any Vacancy in the Number of Commissioners appointed, either by Removal or by Death or otherwise, to appoint some other fit Person to supply the same; and the said Commissioners for the Time being, and each and every of them, are and is hereby vested with the same Powers and Authorities as if he or they had been named in this present Act, and had been thereby appointed a Commissioner or Commissioners for executing the Trusts reposed in him or them by this Act: Provided always, that the Powers hereby given to such Commissioners shall absolutely cease and determine on the Twenty-ninth Day of *September* in the Year One thousand eight hundred and forty-five, or on such earlier Day as the said Lord High Treasurer, or the Commissioners of Her Majesty’s Treasury, shall think fit to declare the same to be determined.

Appointment
of Commis-
sioners.

Duration of
Commission.

and Notice of the Determination of the said Commission shall be published in the *London Gazette*.

II. And be it enacted, That the said Commissioners shall be styled "The Commissioners for consolidating and adjusting the Turnpike Trusts in *South Wales*," and the Powers and Authorities hereby vested in such Commissioners shall include and comprise the Six Counties following; (that is to say,) the Counties of *Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan* respectively; and the said Commissioners or any Two of them may sit from Time to Time and at such Place or Places as they may deem expedient as a Board of Commissioners, and all Acts, Matters, and Things done by any Two of such Commissioners acting in execution of this Act shall be valid and effectual; and the said Chief Commissioner shall have a casting Vote in all Matters to be decided by such Board, in addition to his own Vote; and the said Commissioners shall cause a Seal to be made, and all Orders, Regulations, Awards, or other Instruments made or executed by or by the Authority of the said Commissioners acting as such Board, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence in all Courts, and by all Judges, Justices, and others, without further Proof thereof; and all Orders, Regulations, Awards, and other Instruments so made as aforesaid by the said Commissioners acting in execution of this Act shall be binding and conclusive on all Parties, and to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari, or by any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

III. And be it enacted, That it shall be lawful for the said Board of Commissioners to be appointed by virtue of this Act, with the Consent of the Lord High Treasurer or Commissioners of Her Majesty's Treasury, to appoint a fit and proper Person to be their Secretary, and from Time to Time at their Discretion to remove the Secretary for the Time being, and appoint another in his Stead; and it shall be lawful for the said Board of Commissioners, with the like Consent as aforesaid, from Time to Time to appoint such Accountant or Accountants, Clerk or Clerks, or other Officers as may be necessary to assist in carrying the Provisions of this Act into execution, and from Time to Time at their Discretion to remove the said Accountant or Accountants, Clerk or Clerks, or other Officers, and to appoint other Persons, with the like Consent, in their Stead.

IV. And be it enacted, That the Salaries and Allowances of the said Commissioners to be appointed by virtue of this Act, and of their Secretary, and of the Accountants, Clerks, or other Officers to be appointed by virtue thereof, shall be from Time to Time regulated by the Lord High Treasurer, or by the said Commissioners of Her Majesty's Treasury: Provided always, that the said Lord High Treasurer, or the said Commissioners of Her Majesty's Treasury, may allow to any Commissioner, Secretary, Accountant, Clerk, or other Officers any such reasonable travelling and other Expences as may be incurred by them respectively in the Performance of their Duties under this Act, in addition to their Salaries or Allowances respectively; and the said Salaries,

Style and Powers of Commissioners;

to have a Common Seal.

Orders, &c. of Commissioners to be binding, and not to be removed by Certiorari.

Secretary, &c. to be appointed.

Salaries and Allowances to Commissioners and their Officers.

Allowances, and Expences shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Commissioners to proceed through South Wales.

V. And be it enacted, That the said Commissioners or any Two of them shall, on some Day or Days between the First Day of *August* and the Thirty-first Day of *December* in this present Year, sit as a Board for the Execution of this Act at the several Towns or Places, or within a convenient Distance thereof, within each of the said Counties before mentioned respectively, at which the Trustees or Commissioners of any Turnpike Trusts have been, before the passing of this Act, accustomed to hold their regular Meetings for transacting the Business relating to such Trusts: Provided always, that the said Commissioners shall cause Notice to be given of the several Days and Times at which they shall determine to hold their Sittings at the said several Towns or Places in each of the said Counties respectively, by causing One or more Advertisements thereof to be inserted in some Newspaper or Newspapers circulating in such County Twenty-one Days at least before the Time fixed for holding any Sitting under this Act: Provided also, that in case the Trustees of any Trust within any of the said Counties shall have heretofore been accustomed to hold their Meetings at Two or more Places alternately, it shall be lawful for the said Commissioners at their Discretion to sit at One or more of such Places as they shall deem convenient; and the said Commissioners shall have Power to adjourn their Sittings from Time to Time, and from Place to Place, as may be found necessary.

Notice to be given by Advertisement.

Inquiry to be made by Commissioners into Circumstances of all Trusts, their Debts, &c.

VI. And be it enacted, That the said Commissioners or any Two of them, sitting as aforesaid, shall make full and diligent Inquiry into the Management, Revenue, Debts, Condition, and Circumstances of the several Turnpike Trusts lying or partly lying within each of the said Counties respectively, and shall examine and ascertain the Amount, Nature, and Value of all Debts due or claimed to be due by or from any Turnpike Trust which shall have been contracted under the Powers and in conformity with the Provisions of any Act of Parliament relating to such Trust, and shall inquire how much of such Debts consists of unpaid Interest, and for what Period such Interest shall be in arrear, and all such other Particulars respecting the same, and respecting the Administration of such Trusts and the Roads comprised in the same respectively, as the said Commissioners shall deem necessary in order to the Execution of the several Powers and Duties hereby vested in them; and the said Commissioners shall then require all Persons being or claiming to be Creditors or Mortgagees of the Tolls of the said several Turnpike Trusts to produce or cause to be produced before the said Commissioners all Mortgages, Deeds, Contracts, or other Securities in respect of which such Creditors or Mortgagees claim to be entitled to any Principal Monies or Interest out of the Tolls of such Trusts, and the said Commissioners shall examine and compare the said Mortgages or other Securities with the Registers thereof, and shall take a full and particular Account of the same; and in case it shall appear to the said Commissioners, by the Books kept by the Clerk or Treasurer to any Trust, or by any other Evidence satisfactory to the said Commissioners, that any Person is a *bonâ fide* Creditor or Mortgagee of the Tolls of such Trust, though the Mortgage or Security before granted or assigned to

such

such Person in respect thereof may have been lost, mislaid, or destroyed, it shall be lawful for the said Commissioners to include such Person in the List of Creditors or Mortgagees of such Trust in respect thereof; and the said Commissioners are hereby empowered, by Summons under their Hands, to require the Attendance of all Clerks, Surveyors, Treasurers, and other Officers of any of the said Trusts, as well as of all other Persons whom they may think fit to call before them upon any Question or Matter connected with or relating to the Subject of the said Inquiry, and also to examine all such Persons, and to require the Production of all Books, Contracts, Agreements, Accounts, Maps, Plans, Acts of Parliament, Papers, and Documents, or Copies thereof, in anywise relating thereto; and the said Commissioners may, if they shall think fit, require any Person whom they shall examine with respect to any of the Matters aforesaid to make or subscribe a Declaration of the Truth of the Matters respecting which such Person shall have been or shall be examined: Provided always, that no such Person shall be obliged by any such Summons to go or travel more than Twenty Miles from the Place of his usual Abode.

Commissioners
to summon
Witnesses and
call for Papers.

VII. And be it enacted, That if any Person being examined by the said Commissioners or the Arbitrators or Umpire after mentioned, under the Authority of this Act, shall wilfully and corruptly give false Evidence, or shall subscribe a false Declaration, or if any Person shall wilfully refuse to attend in obedience to the Summons of the said Commissioners, or shall wilfully refuse to give Evidence, or to make and subscribe such Declaration as aforesaid, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any Books, Contracts, Agreements, Accounts, Writings, Plans, Maps, Acts of Parliament, Papers, or Documents, which may be required to be produced before the said Commissioners, every Person so offending shall be deemed guilty of a Misdemeanor.

Penalty for
giving false
Evidence.

VIII. And be it enacted, That the said Commissioners acting as aforesaid under the Authority of this Act, and the Arbitrators and Umpire after mentioned, shall make or cause to be made a full and particular Record in Writing of their Proceedings, and of all such Matters and Things in the course of the several Examinations and Inquiries herein-before directed to be made by them, as they shall deem essential.

Commissioners
to record their
Proceedings.

IX. And be it enacted, That so soon as the said Examination and Inquiry into the Affairs and Finances of any of the said Trusts respectively shall have been made as aforesaid, and all such Evidence as the said Commissioners shall deem necessary shall have been heard and received touching the same, the said Commissioners shall forthwith proceed to determine respecting the Claims of the several Persons being or claiming to be Mortgagees or Creditors of such Trust, and shall estimate and determine the fair and actual Value of every One hundred Pounds of Debt secured by Mortgage or Assignment of or other Charges on the Tolls of such Trust, and also the Value, if any, of every One hundred Pounds of Interest remaining due upon any such Mortgage Debts, excluding nevertheless all such Interest as shall have been due and in arrear for more than Six Years previous to the First Day of August in this present Year, which said last-mentioned Interest the said Commissioners shall in all Cases deduct and disallow; and as to

Commissioners
to ascertain
and estimate
all Debts;

and to award the Sums, and Names of Persons to whom due.

any Turnpike Trusts wherein are comprised any Roads or Portions of Roads locally situated in Two or more Counties, the said Commissioners shall decide in what Manner and according to what Proportions the Debts outstanding upon such Trusts shall be apportioned and made chargeable upon each of such Counties respectively, and the said Commissioners shall thereupon make their Award in Writing under their Hands and Seals, and shall specify therein the Names of all such Persons as they shall have determined to be entitled to any Monies, in respect of Principal or Interest, as Mortgagees or Creditors of such Trust, together with the Sums to which in the Judgment of the said Commissioners the said Persons shall be respectively entitled, according to the Value of their respective Debts; and the said Commissioners shall forthwith deliver their said Award to the Clerk of such Trust, and the said Clerk shall, within Three Days from the Delivery of such Award, give or send Notice in Writing to the several Persons therein specified as Creditors of such Trust, or to the lawful Representatives or Agents of such Persons, of the Sums thereby awarded to them respectively, according to the Tenor and Effect of the said Award; provided that all Notices directed by this Act to be served or given, except such as are to be given by Advertisement in any Newspaper, may be sent by Post.

Sums due to Infants and Lunatics may be awarded to Guardians and Committees, &c.

X. And be it enacted, That where any Monies shall be due to any Infant, the Award may be made for the Payment of the Sum therein specified to the Parent or Guardian of such Infant, or if there shall be no Parent or Guardian, then to any Trustee or Trustees for such Infant; and if any Monies shall be due to a Lunatic or Idiot, then the Award may be made for such Payment to the Committee of such Lunatic or Idiot; and where any Monies shall be due to any Person in trust for others, the Award may be made for such Payment to the Trustee or Trustees; or in case of the Refusal to act or Incapacity of such Trustee or Trustees, then the said Commissioners, by their said Award, or by any Writing under their Hands and Seal, may appoint another or other Trustees for the Purpose of receiving such Payment.

Persons dissatisfied with Award how to appeal.

XI. And be it enacted, That in case any Person so adjudged to be entitled to any Monies as a Mortgagee or Creditor of any such Turnpike Trust (or the Executor, Administrator, Parent, Guardian, Trustee, or Committee of any such Person, in case the Person so adjudged to be entitled shall have died, or shall be a Minor, Cestuique Trust, Lunatic, or Idiot,) shall be dissatisfied with the Amount determined by the Award of the said Commissioners to be payable in respect of the Debt due to such Person, then such Person, or such Executor, Administrator, Guardian, Trustee, or Committee, shall, within Twenty-one Days from the Receipt of the said Notice of Award, signify his Dissent from such Award by Notice in Writing to be served upon the Clerk of the said Trust; and the said Clerk shall, within Three Days after the Expiration of the said Twenty-one Days, transmit a List of the Names of all such Dissentients to the said Commissioners or to their Secretary; and all such Creditors or Persons authorized to act on their Behalf who shall fail to give Notice of Dissent within the Time hereby limited shall not afterwards be at liberty, except only in the Case herein-after described, to question or object

to such Award; and the said Award shall be binding and conclusive upon all such Creditors and Persons to all Intents and Purposes whatsoever.

XII. And be it enacted, That in case any Creditor mentioned in such Award, or Person authorized to act on behalf of such Creditor, shall have duly given Notice of such Dissent as aforesaid, and the same shall have been duly certified by the Clerk of such Trust to the said Commissioners, the said Commissioners shall thereupon appoint some convenient Time and Place, whereof they shall cause not less than Fourteen Days Notice to be given by Advertisement in One or more Newspapers circulating in any County wherein such Trust shall be situate, for determining the Claims of all dissentient Parties by Arbitration, according to the Provisions herein-after contained.

Commissioners to appoint Time and Place for Arbitration.

XIII. And be it enacted, That the said Dissentients shall attend before the said Commissioners in Person, or by their Agents, at the Time and Place which shall have been so appointed as aforesaid, and the Majority in Number of such Dissentients, if more than Two, and if Two or One, then such Two or One, shall elect and appoint some One fit and competent Person, not being in anywise interested in the Subject Matter of such Award, to be an Arbitrator on their or his Behalf, and shall signify the Appointment of such Arbitrator to the Commissioners; and the Commissioners, if they shall approve of such Appointment, shall thereupon nominate One other indifferent Person to be an Arbitrator on their Part; provided always, that the said Dissentients shall have no Power to revoke the Appointment of the Arbitrator by them appointed after the same shall have been signified to and approved by the Commissioners; and in case the said Dissentients shall refuse or neglect to appoint such Arbitrator, then it shall be lawful for the said Commissioners to appoint One Arbitrator to act on behalf of both Parties, and in such Case the Award or Determination of such One Arbitrator shall be final and conclusive, in the same Manner as if Two Arbitrators had been appointed and had concurred in the same.

Arbitrators how to be selected.

XIV. And be it enacted, That if before the Matters referred to such Arbitrators shall have been determined any Arbitrator appointed by either Party shall die, or become incapable or refuse or neglect to act as Arbitrator, the Party by whom such Arbitrator was appointed may appoint in manner aforesaid some other indifferent Person to act in his Stead.

If Arbitrator shall die, another to be appointed.

XV. And be it enacted, That in case the said Arbitrators so to be appointed as aforesaid shall be unable to agree upon and determine the Matters referred to them, they shall jointly nominate and appoint some third Person, to be approved by the said Commissioners, to act as Umpire, or if the said Arbitrators cannot agree in such Appointment, then an Umpire shall be named by One of Her Majesty's Principal Secretaries of State; and the Decision of such Umpire on the Matters so referred shall be final.

If Arbitrators differ, an Umpire to be named.

XVI. And be it enacted, That the said Arbitrators, or their Umpire, shall inquire and determine what Sums of Money shall be paid to the said Dissentients in respect of their Debts, and shall have the same Powers and Authorities for the Purpose of the said Arbitration as are herein-before given to the said Commissioners touching

Powers of Arbitrators.

touching the examining of Witnesses, as well the Persons on whose Behalf any such Arbitration shall have been instituted as others, and touching the Production of any Books, Papers, Contracts, Writings, or Documents which they or he shall deem necessary for the Purpose of such Arbitration.

Award of Arbitrators.

XVII. And be it enacted, That the said Arbitrators, or their Umpire, shall make their or his Award in Writing touching all the several Matters referred, under their Hands and Seals or Hand and Seal, and shall forthwith deliver one Copy or Duplicate thereof to the said Commissioners, and another Copy or Duplicate thereof to the Clerk of such Trust; and such Clerk shall forthwith give Notice to the said Persons on whose Behalf such Arbitration shall have been instituted of the Tenor and Effect of such Award; and such Award shall be final, conclusive, and binding on the said Persons, and on all other Persons whomsoever, and shall have the same Force and Effect as any Award made by the said Commissioners in pursuance of this Act.

Expences of Arbitration how to be borne.

XVIII. And be it enacted, That the said Commissioners shall allow to any Person acting as Arbitrator or Umpire, according to the Provisions of this Act, such Sums for his Services and Loss of Time therein as the said Commissioners shall deem reasonable; and the said Sums, and all other Expences incurred in and about such Arbitration, shall be borne and paid as follows; (that is to say,) if the Sum awarded by such Arbitrators or Umpire to be paid to the Parties dissenting from the Award of the said Commissioners shall be a greater Sum than the Sum specified in the said last-mentioned Award, then all the said Costs, Charges, and Expences attending the Proceedings before the said Arbitrators or Umpire shall be paid in like Manner as other Charges and Expences which shall be incurred by the said Commissioners, or by their Authority, in carrying this Act into execution; and in case the Sum or Sums awarded by such Arbitrators or Umpire shall not be a greater Sum or Sums than the Sum or Sums specified in the Award of the said Commissioners, then such Costs, Charges, and Expences as aforesaid shall be borne and paid rateably by the several Parties on whose Behalf the said Arbitration shall have been instituted: Provided always, that all Costs, Charges, and Expences to be borne by such Parties may, in default of their paying the same, be paid in like Manner as other Charges and Expences incurred in the Execution of this Act as aforesaid; and in that Case the same shall be fairly and rateably apportioned by the said Commissioners among the said Parties respectively, and the same shall be deducted from the Payments thereafter to be made to such Parties in respect of the several Sums awarded to them, according to the Provisions herein-after contained.

Awards, Advertisements, &c. to be free of Stamp Duty.

XIX. And be it enacted, That no Award or other Instrument relating to or arising out of any Arbitration which shall take place in pursuance of this Act, and no Advertisement which, in pursuance of this Act and by Direction of the said Commissioners, shall be inserted in the *London Gazette* or in any Newspaper, shall be chargeable with any Stamp Duty.

Provision in case of Creditors not ap-

XX. And be it enacted, That in case any Person claiming to be a Mortgagee or Creditor of any Turnpike Trust shall, by reason of Absence from the Realm, or any other unavoidable and necessary

sary Cause, fail to give Notice to the Commissioners of such Mortgage or Debt within the Time and according to the Regulations herein-before limited and provided, or in case any Person who shall have been proved to the Satisfaction of the Commissioners to be a Mortgagee or Creditor of any Turnpike Trust, and with respect to whose Mortgage or Debt any Award shall have been made by the Commissioners, shall, by reason of such unavoidable and necessary Cause as aforesaid, fail to give Notice of Dissent from such Award within the Time and according to the Regulations herein-before limited and provided, it shall nevertheless be lawful for the said Commissioners, upon the Application of such Person at any Time within Twelve Months from the passing of this Act, provided they shall be satisfied with the Cause alleged, to receive Evidence of such Mortgage or Debt, and to make their Award respecting the same as herein-before directed, or otherwise to direct an Arbitration to be instituted, as the Case may be, according to the Regulations herein-before contained, at such Time and Place, and on such Terms and Conditions, with reference to the Circumstances of the Case, as to the said Commissioners shall appear just and reasonable: Provided always, that all Parties omitting to give such Notice or to make such Application within Twelve Months from the passing of this Act shall be thereafter finally barred and concluded from any further Application, Appeal, or other Proceeding with respect to any such Debt or Mortgage, or with respect to any Award of the Commissioners concerning the same.

plying within
Time limited.

Creditors after
Twelve Months
to be barred.

XXI. And be it enacted, That the said Commissioners, so soon as they shall have made the said Examination and Inquiry herein-before directed to be made into the Condition, Circumstances, and Affairs of the several Turnpike Trusts in all or any of the said Six Counties, and so soon as they shall have estimated and ascertained the Sums payable to the several Creditors of the said Trusts respectively, and shall have made or caused to be made the several Awards concerning the same, shall make a full and particular Report, under their Hands and Seal, to One of Her Majesty's Principal Secretaries of State, and shall therein specify in detail the Sums by them or by their Authority awarded to be due and payable to the several Creditors of each of the said Trusts respectively, and also the total or aggregate Sums which they shall have determined to be chargeable in respect of such Debts to or upon each of the said Counties respectively, and shall also make such further Report or Returns respecting any other Matters and Things thereto appertaining as the said Commissioners shall deem necessary, or as One of Her Majesty's said Principal Secretaries of State shall require; and the said Commissioners shall also make such other and additional Reports from Time to Time respecting any Matters and Things by them done in the Execution of this Act, or relating to the same, as Her Majesty's said Principal Secretary of State shall require.

Commissioners
to report Result
of Awards to
Secretary of
State.

XXII. And be it enacted, That when the said Commissioners shall have made their Report of the Sums awarded to be paid to the said Creditors in respect of their said Debts and Interest, and such Report shall have been approved of by One of Her Majesty's Principal Secretaries of State, then it shall be lawful for the Commissioners for carrying into execution an Act passed in the

Sums awarded
to be paid by
Public Works
Loan Commis-
sioners.

5 & 6 Vict. c. 9.

Second Session of the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor; and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, (and which said Commissioners are herein-after designated as the Public Works Loan Commissioners,) in manner after mentioned, to cause to be paid the several Sums of Money so fixed by such Awards respectively to the Parties entitled to receive the same under the said Awards, together with Interest thereon after the Rate of Three *per Centum per Annum* from the Date of the said Awards respectively to the Day which shall be appointed by the said Public Works Loan Commissioners for the Payment thereof; and the Payment to the Persons named in such Awards respectively, their Executors, Administrators, or Assigns, or to the Parent or Guardian of any Infant, or to the Committee of any Lunatic or Idiot, shall be a valid and effectual Payment and Discharge of and in respect of such Monies so awarded, and of all Claims of such Persons in respect of the same.

Sum not exceeding 225,000*l.* to be charged upon the Consol-
dated Fund for the Purposes of this Act.

XXIII. And be it enacted, That for the Purpose of providing a Fund for such Payments the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being are hereby empowered, by Warrant under the Hands of any Three or more of them, to direct to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce thereof from Time to Time, to the Commissioners for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Two hundred and twenty-five thousand Pounds, to be by them held in trust for the Purposes hereafter mentioned.

Commissioners for the Reduction of National Debt to be Trustees of South Wales Turnpike Trust Fund, and to cause separate Account to be opened at the Bank of England for the Purpose.

XXIV. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall cause a separate Account to be opened at the Bank of *England* with them for such Purpose, under the Title of "The Commissioners for the Reduction of the National Debt on account of the *South Wales Turnpike Trust Fund*," which Account the Governor and Company of the Bank of *England* shall and they are hereby required to open in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and there shall be provided and kept in the Office of the said Commissioners for the Reduction of the National Debt a Book or Books, in which all the Monies transferred to the Account of the said last-mentioned Commissioners by virtue of this Act shall be entered and kept separate and apart from all other Monies; and such Monies shall be by them held subject to the Disposal and Orders of the said Public Works Loan Commissioners for the Purposes of Payments to be made by them in pursuance of this Act.

Bank of Eng-
land to open
Account with

XXV. And be it enacted, That the Governor and Company of the Bank of *England* shall and they are hereby required to open an Account in their Books with the Public Works Loan Commissioners,

sioners, under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, *et cetera*, (*South Wales Turnpike Trusts*)," and to the Credit of which Account shall be carried all Principal Monies and Interest which shall from Time to Time become payable in respect of the Monies herein-after directed to be secured to such last-mentioned Commissioners, and shall be paid to the Cashiers of the said Bank of *England*, upon such or the like Certificates under the Hands of the said last-mentioned Commissioners, as by the said recited Act is provided or referred to in the Case of Payments to be made into the Bank as therein is provided, or as near thereto as the Difference of Circumstances will admit.

Public Works Loan Commissioners under this Act.

XXVI. And be it enacted, That all and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the last-mentioned Commissioners, under or by virtue of this Act, shall from Time to Time, immediately on such Payments being made to the said Account, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Money paid to the Account of Public Works Loan Commissioners to make Part of Consolidated Fund.

XXVII. And be it enacted, That when and so soon as the said last-mentioned Commissioners shall have determined upon any Amount of Money to be paid under the Provisions of this Act, the said Commissioners or any Three or more of them shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Public Works Loan Commissioners shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt, the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-named Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-named Commissioners, and shall be addressed to the Governor and Company of the Bank of *England*; and such Cashiers or one of them shall upon the Production of every such Order pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively; provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the

Amount of Monies to be paid by Public Works Loan Commissioners under this Act to be certified to the Commissioners for the Reduction of the National Debt.

Reduction

Reduction of the National Debt under the Provisions of this Act.

Commissioners for Reduction of National Debt to furnish annual Account of Fund, &c.

XXVIII. And be it enacted, That the Commissioners for the Reduction of the National Debt shall cause to be made up, for Examination and Audit, an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said "*South Wales Turnpike Trust Fund*" as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts.

Amount paid by Public Works Loan Commissioners under this Act, with Interest, to be repaid by half-yearly Annuity for Thirty Years.

XXIX. And be it enacted, That an Account shall be made up on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year of the Monies which shall have been paid by the said Public Works Loan Commissioners as aforesaid, together with Interest thereon from the respective Days of Payment up to the said Twenty-fifth Day of *March* or the Twenty-ninth Day of *September*, as the Case may be, distinguishing the same so as to show the Amount paid to Creditors on Tolls within each of the aforesaid Counties respectively, together with such Interest as aforesaid; and thereupon the said Commissioners for carrying this Act into execution, in consideration of the Sums so respectively paid to the Creditors on the Tolls of each of the said Counties respectively, together with such Interest as aforesaid, shall charge the County Roads Fund herein-after mentioned, and the Rates to be levied in aid thereof as after mentioned, with the Payment to the said Public Works Loan Commissioners, on account of the *South Wales Turnpike Trust Fund*, of such an Annuity as shall be equal to Five Pounds and Five Shillings for every Sum of One hundred Pounds so paid as aforesaid by the last-named Commissioners, together with such Interest as aforesaid in respect of each separate County, and so in proportion for any fractional Part of One hundred Pounds paid, such Annuity to be payable from the said Twenty-fifth Day of *March* or the Twenty-ninth Day of *September* up to which such Account shall have been made, for the Term of Thirty Years, and to be paid half-yearly, and without Deduction, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, and the first Payment to be made on such of the said half-yearly Days of Payment as shall next happen after such Charge shall have been made, and so as the County Roads Fund aforesaid, and such Rates in aid thereof as aforesaid of each County, be charged with such an Annuity as aforesaid in respect of the Sums paid to the Creditors on the Tolls within that County, and such Interest thereon as aforesaid, and no more.

Powers of Commissioners as to Charge to devolve to Secretary of State.

XXX. And be it enacted, That with respect to any Monies to be paid by the Public Works Loan Commissioners after the Powers hereby given to the Commissioners for carrying this Act into execution shall have ceased, then such Charge as aforesaid shall be made and executed by One of Her Majesty's Principal Secretaries of State.

Charges to be in such Form as Public Works Loan

XXXI. And be it enacted, That all such Charges to be made as aforesaid shall be made and prepared in such Form as the said Public Works Loan Commissioners shall from Time to Time order or direct, and, when executed by the Parties hereby author-

ized to make such Charges, shall be valid in the Law, and shall be made to the Secretary for the Time being of the said Commissioners last mentioned, and in all respects as by the said recited Act of the Fifth Year of the Reign of Her present Majesty, and the Acts therein recited, is directed and provided with regard to Securities and Charges to be made to the Secretary for the Time being of the Commissioners last mentioned; and all Provisions and Directions in the said recited Act and the Acts therein recited shall apply to such Charges or Securities to be made in pursuance of this Act in such Manner as if the same were herein repeated; and the Fact of the Secretary of the said Commissioners being a Party to such Charge shall be deemed conclusive Evidence of the same having been prepared in the Form prescribed by and under the Order and Direction of the said last-mentioned Commissioners.

Commissioners shall direct.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Commissioners for carrying this Act into execution to award to the Commissioners for carrying into execution the said recited Act of the Fifth Year of the Reign of Her present Majesty, or to any of the Commissioners for carrying into execution any of the several Acts therein recited, in respect of any Mortgage or other Charge on the Tolls of any Turnpike Trust in *South Wales* heretofore made to any such Commissioners respectively, or their Secretary, and to which no other Fund or Payment is now by any Law or Statute made applicable, any Sum less than the full Amount which shall be due thereon for Principal and Interest up to the Day of the Date of such Award as aforesaid; but all such Principal Monies and Interest which shall be so due shall be awarded in full to the said Public Works Loan Commissioners, or their Secretary for the Time being, in lieu of such Debts and Interest being valued in manner herein-before specified with respect to such other Debts or Charges and Interest so as aforesaid directed to be valued, and shall be paid accordingly.

Mortgages of Tolls held by Public Works Loan Commissioners to be paid in full.

XXXIII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury for the Time being, by Warrant under the Hands of any Three or more of them, from Time to Time to direct the Payment of any Part of the Monies by the said recited Act of the Fifth Year of the Reign of Her Majesty authorized to be paid to the Commissioners for the Time being for the Reduction of the National Debt (as in the said Act is provided) to be paid into the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so paid the same shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, so as such Sums so to be paid shall not exceed the Amount of the Sums from Time to Time to be advanced for the Purposes of this Act.

Monies advanced under 5 Vict. c. 9. may be paid into Consolidated Fund on account of Monies issued thereout under this Act.

XXXIV. And be it enacted, That all Local Acts of Parliament for making, repairing, or regulating any Turnpike Road or Roads within any of the said Counties respectively shall, so far as relates to the several Turnpike Roads locally situated within the said Counties respectively, be repealed by virtue of this Act; and the Repeal of every such Local Act respectively shall date and take effect from and after such Day as the said Commissioners, by Order

All Local Acts to be repealed from a Day to be declared by Commissioners.

Order under their Hands and Seal, and whereof Notice shall twice be published in the *London Gazette*, shall appoint and declare with respect to such Local Act or Acts as shall be specified in such Order respectively; and the Provisions of this Act herein-after contained for consolidating the several Trusts in each of the said Counties, and for altering and remodelling the Management of the same, shall thenceforward come into full Operation and Effect: Provided always, that the Repeal of the said Acts shall not have the Effect of reviving any former Acts which have been repealed by those Acts or any of them, but such former Acts shall continue repealed in the same Manner as if this Act had not been passed.

Justices in
Quarter Ses-
sions to elect
Members of
County Roads
Board.

XXXV. And be it enacted, That the said Commissioners shall, so soon as the said Inquiry herein-before directed to be made into the Debts and Circumstances of the several Turnpike Trusts shall have been completed, cause a Notice in Writing to be addressed to the Clerk of the Peace of each of the said Counties respectively, and Her Majesty's Justices of the Peace acting in and for each of the said Counties respectively shall, at their General Quarter Sessions of the Peace to be held for such County next after the Date of such Notice, or if the regular Time for holding such General Quarter Sessions shall not happen within Thirty Days from such Date, then at some General Sessions to be duly summoned for that Purpose, according to the Regulations now in force for the summoning of the same, and to be held within Thirty Days from the Date of such Notice, elect and appoint not less than Six nor more than Twelve fit and competent Persons, being Justices of the Peace acting in and for the said County, to be Members of the Board to be constituted in pursuance of this Act for the Management and Control of all Turnpike Roads lying within each of the said Counties respectively; and in case the said Justices shall, at their said General or Quarter Sessions which shall be held next after the said Notice, or in pursuance thereof, elect a less Number than Twelve Persons to be Members of the said Board, then it shall be lawful for the said Justices from Time to Time, at any subsequent General Quarter Sessions, to elect so many other Persons, being Justices as aforesaid, as, together with the said Persons before elected, shall not exceed the said Number of Twelve; and whenever any of the Persons who shall have been so elected respectively shall die or resign, or if any of the said Persons shall absent themselves from the Meetings of the said Boards for the Space of Twelve Months, the said Justices of the Peace shall, at their General Quarter Sessions held next after such Vacancy shall have occurred, elect and appoint another or other Person or Persons in the Room of the Person or Persons who shall have died or resigned as aforesaid: Provided always, that Notice of any Election to take place in pursuance of this Act shall in all Cases be given by the Clerk of the Peace for such County, by inserting an Advertisement thereof in One or more of the Newspapers circulating in such County Fourteen Days at least before the said General Quarter Sessions at which such Election is intended to take place.

Certain Per-
sons in each
County to be

XXXVI. And be it enacted, That in each of the said Counties respectively the several Persons herein next mentioned shall be *ex officio* Members of the said Board; that is to say, the Lord Lieu-
tenant

tenant and the Vice Lieutenant (if any) of such County for the Time being, all eldest Sons of Peers, and all Members of Her Majesty's Privy Council, who shall respectively reside in such County, or be rated in respect of any Property therein, and all Members of the House of Commons who shall have been elected to serve in Parliament for such County, or for any Borough or Place therein, and the Chairman of Quarter Sessions for such County for the Time being.

ex-officio Members of County Roads Boards.

XXXVII. And be it enacted, That the said Board to be constituted by virtue of this Act in each of the said Counties respectively shall be styled "The County Roads Board," and shall, subject to the Provisions and Restrictions herein-after contained, have the Superintendence, Control, and Management of all Turnpike Roads and Parts of Turnpike Roads situated in any of the said Counties respectively, which shall have been heretofore regulated by any Local Act or Acts of Parliament to be repealed in pursuance of this Act, and which shall be determined by the said Commissioners in manner herein-after provided to be maintainable as Turnpike Roads in any of the said Counties respectively.

Style and Powers of County Roads Boards.

XXXVIII. And be it enacted, That the several Powers, Provisions, and Regulations of the Acts mentioned in the First Schedule to this Act annexed (and which are herein-after called the General Turnpike Acts) shall, except so far as the same are varied, altered, or repealed by this Act, continue to apply to all Roads which shall hereafter be maintained, pursuant to the said Determination of the said Commissioners, as Turnpike Roads within any of the said Counties respectively; and all Powers, Privileges, Rights, Exemptions, Penalties, Restrictions, and Liabilities belonging or appertaining, by virtue of the said General Turnpike Acts or any of them, to any Trustees or Commissioners acting in execution of any Local Act for regulating any Turnpike Roads, shall, except so far as the same are varied, altered, or repealed by this Act, or are repugnant or contradictory thereto, apply to all Persons who shall be Members of any of the said County Roads Boards, and also, so far as the same shall be found applicable, to all Members of any District Boards to be constituted by virtue of this Act in manner herein-after provided.

Provisions of General Turnpike Acts how far to be applicable.

XXXIX. And be it enacted, That in each of the said Counties respectively the present Collectors of Tolls, Surveyors, Clerks, and all other Officers and Persons who shall have received any Tolls or other Money under or by virtue of any Local Act for regulating Turnpike Roads to be repealed in pursuance of this Act, shall, so soon as they shall be required by the County Roads Board acting in and for the County to which the Road or Roads included in such Local Act shall respectively be determined to belong, account for, pay, and deliver over such Tolls or other Money to the said County Roads Board, or to some Person to be by the said County Roads Board appointed for that Purpose, in the same Manner as they are by the said General Turnpike Acts required to do to the Trustees by or under whom they have been appointed, and shall be subject to the like Provisions and Penalties for enforcing the Production of such Account, and such Payment and Delivery over, as they would have been subject to under the said General Turnpike Acts if they had refused or neglected to produce, pay, or deliver

Existing Officers of Trusts to account.

over the same as thereby required to the said Trustees: Provided always, that in case any Road or Roads included in any Turnpike Trust shall lie in more than One of the said Counties, the Officers acting under the Local Act regulating the same shall pay and deliver over the Monies in their Hands, and other Property of or belonging to such Trust as aforesaid, in such Proportion between Two or more such County Roads Boards as the said Commissioners shall order and direct.

Provision as to
existing Leases
of Tolls.

XL. 'And whereas many Persons may at the Time of the Repeal of the said Local Acts be Farmers of the Tolls arising on Turnpike Roads, and may hold Leases or Contracts with the Trustees acting in execution of such Acts, which Leases or Contracts may be unexpired at the Time of such Repeal: And whereas the Rates of such Tolls, and the Distances within which the same shall be payable, may be altered by virtue of this Act, and the Roads to which such Contracts relate may be situated in different Counties, and may be placed by virtue of this Act under different Management and Control;' be it therefore enacted, That it shall be lawful for the County Roads Board acting in and for the County wherein the Roads to which such Leases or Contracts relate shall lie, upon Application made to such Board by such Farmer of Tolls, Lessee, or Contractor, to release and discharge such Farmer, Lessee, or Contractor from such Lease or Contract, and the same shall thenceforth become void and of no Effect as to the Residue of the Term or Time then to come and unexpired therein, any thing contained in such Lease or Contract to the contrary notwithstanding: Provided always, that it shall be lawful for the said County Roads Board to make such Composition and Agreement with the Parties interested therein for Apportionment of Rents or Payments, and also to make such Compensation or Allowance to the said Parties, as to the said County Board shall seem just and reasonable: Provided also, that in case the Roads to which such Leases, Contracts, or Agreements relate shall lie, as to Part thereof, in more than One of the said Counties, then such Apportionment of Rent or Payment shall be made, and such Compensation and Allowance shall be paid, as between the several County Boards interested therein, in such Manner and according to such Rules and Proportions as the said Commissioners shall determine.

Debts due to
Trust to be
vested in
County Roads
Boards.

XLI. And be it enacted, That all Persons who shall, at the Time of the Repeal of any of the said Local Acts to be repealed in pursuance of this Act, owe any Sum or Sums of Money to the Trustees theretofore acting under such Local Act shall pay the same, as soon as they shall be required so to do, to the County Roads Board acting in and for the County wherein the Roads theretofore regulated by such Local Act shall lie, instead of such Trustees; and such County Roads Board shall have the same Benefit of all Bonds and Securities, and of all other Remedies for recovering and obtaining Payment of such Sums respectively, as the said Trustees might or could have had in case this Act had not been passed, or in case such Sums of Money had been originally due and owing to such County Roads Board; and all Sums of Money (other than such Sums of Money as have been advanced on the Security of the Tolls of any Turnpike Road) which at the
Time

Time of the Repeal of any of the said Local Acts shall be owing from the Trustees theretofore acting under any such Local Act, and which shall have been *bonâ fide* incurred, applied, or expended in the Execution of any such Local Acts, shall be paid to the Parties thereto entitled by such County Roads Board, instead of such Trustees, and such Trustees shall be and are hereby discharged therefrom: Provided always, that where any such Sums of Money shall be due to or by the Trustees of any Turnpike Road or Roads which shall lie, as to Part thereof, in more than One of the said Counties, the same shall be payable to or by the County Roads Boards of the several Counties respectively in which the said Roads shall lie, according to such Rules and Proportions as the said Commissioners shall determine.

XLII. And be it enacted, That all and every Turnpike Roads and Road regulated by any Local Act to be repealed in pursuance of this Act, and all Turnpikes, Toll Houses, Gates, Weighing Machines, Carts, Watch-boxes, Lamps, Lamp Posts, and other Erections and Buildings on the said Roads, which shall have been erected under the Powers of the said Local Acts or any of them, or of any former Acts for the making or repairing of the said Roads respectively, or of the said General Turnpike Acts, shall from and after the Repeal of the said Local Acts respectively be and remain vested in the several County Roads Boards acting in and for the several Counties wherein such Roads respectively shall lie, in like Manner and to the same Extent as they are now respectively vested in the Trustees acting in execution of such Local Acts; and all the Estate, Right, Title, and Interest of the several Trustees acting in execution of the said Local Acts to be repealed in pursuance of this Act of and in all Lands, Houses, Quarries, Gravel Pits, or other Hereditaments whatsoever purchased for widening, improving, altering, or repairing the said Roads or any of them, and of and in all Estates devised or settled in trust for the Repair of the said Roads or any of them, or charged with any Payments in respect thereof, shall from and after the Repeal of the said Local Acts respectively be and remain vested in the County Roads Boards of the several Counties in which the said Turnpike Roads shall respectively lie: Provided always, that where any such Turnpike Road or Roads shall lie, as to Part thereof, in any Two or more Counties, such Estate, Right, Title, and Interest shall be divided and apportioned between them according to such Rules and Proportions, and on such Principles of Division, as the said Commissioners shall determine.

XLIII. And be it enacted, That all Materials, and all Tools or Implements, purchased or provided for the Repair of any Turnpike Road or Roads regulated by any Local Act to be repealed in pursuance of this Act, and which at the Time of the Repeal of the said Acts respectively shall belong to the Trustees acting in the Execution thereof, shall from thenceforth belong to and be the Property of the County Roads Board or Boards of the County or Counties which the said Commissioners shall, by their Order, determine to be entitled to the same, or shall be divided between any Two or more such Boards in such Proportion as the said Commissioners shall determine; and in any Action, Suit, or other Proceeding brought or instituted by or on behalf of any County

Roads and Property of Trusts vested in County Roads Boards.

Materials to be the Property of the County to which they are adjudged by Commissioners to belong.

Property how to be laid in Indictments.

Roads Board for or in respect of or in anywise relating to the said Roads, Materials, or other Estate or Effects, or any other Property, Real or Personal, which shall hereafter belong to any County Roads Board, or in any Bill of Indictment preferred by or by the Direction of any County Roads Board against any Person or Persons who shall dig up, break or pull down, take or carry away, spoil, injure, or destroy, any of the said Roads, Lands, Materials, or other Estate and Effects or other Property as aforesaid, it shall be sufficient to state generally such Roads, Lands, Materials, or other Estate, Effects, or Property to be the Property of such County Roads Board, and it shall not be necessary to specify the Names of any Member or Members of the same.

County Roads Boards to take possession of Roads and other Property.

XLIV. And be it enacted, That, as soon as conveniently may be after the Repeal of the said Local Acts respectively, the County Roads Board in each of the said Counties respectively may, by themselves or by such Person or Persons as they shall appoint in that Behalf, take possession of all the said Turnpike Roads, and of all Lands and other Property hereby vested in the said County Boards respectively; and the said several Trustees acting under the Authority of the said Local Acts to be repealed in pursuance of this Act shall surrender and give up to the said County Roads Boards respectively, or to the Persons whom they shall respectively appoint in that Behalf, the Roads for which they shall respectively be Trustees, together with all Lands and other Property hereby vested in the said County Roads Boards which shall then be in the Possession of the said Trustees respectively, and also the Title Deeds of such Lands and other Property, and all Leases and Counterparts of Leases thereof, and all other Instruments, Books, Papers, Accounts, Vouchers, Writings, and all other Matters and Things, in the Possession of such Trustees respectively, or of their respective Clerks, Treasurers, Surveyors, Collectors, or other Officers, relating to the said Roads respectively; and the said Trustees shall also deliver to the said County Roads Boards, or other Person appointed by them in that Behalf, Accounts of all Balances in their Hands or in the Hands of any Bankers or other Persons for the Use of the said Roads, and shall pay over or transfer such Balances to or to the Credit of the respective Treasurers of the said County Roads Boards hereafter to be appointed; and any Trustee, Clerk, Treasurer, Surveyor, Collector, or other Officer of any Trustees who shall refuse or neglect to surrender or give up to such County Roads Board, or to the Person appointed by them in that Behalf, any Road, Land, or other Property, or to deliver an Account of or pay over or transfer any Balance, pursuant to the Directions in this Act contained, for the Space of One Month after he shall have been required so to do by Order of such County Roads Board, shall be guilty of a Misdemeanor.

Mortgagees not to take possession of Tolls.

XLV. And be it enacted, That from and after the Repeal of the said Local Acts respectively no Mortgagee of the Tolls of any Turnpike Trust in any of the said Counties shall have any Right to sue for, recover, or take possession of any Tolls, Toll Gate, or Lands mentioned in any Mortgage Deed relating thereto, or to sue for any Principal Sums lent to such Trust, or any Part thereof, or any Interest thereon, . any thing contained in

the said General Turnpike Acts, or in any other Act notwithstanding.

XLVI. And be it enacted, That every Mortgagee or other Person who shall, previously to the Repeal of the said Local Acts respectively, have taken possession of any Tolls, Toll House, or Toll Gate of or upon any Turnpike Road in any of the said Counties, or of any Lands or Tenements the Rents and Profits whereof are appropriated to the Repair of any such Turnpike Road, shall, on some Day to be hereafter appointed by the County Roads Board acting in and for that County in which any such Toll Gates or Lands shall lie, deliver up to such County Roads Board, or to such Person as the said Board shall appoint, Possession of all such Tolls, Toll Houses, or Lands, and shall at the same Time render to the said County Roads Board, or to such other Person as aforesaid, an exact Account of all the Tolls received by such Mortgagee, or by any other Person for his Use and Benefit, or by his Authority, and also of the Manner in which he shall have applied such Tolls; and in case he shall not give up possession as aforesaid, or shall remain in possession of the said Tolls, Toll Houses, and Lands, or any of them respectively, after the Time so appointed by such County Roads Board as aforesaid, he shall forfeit and pay to such Board the Sum of Fifty Pounds for every Day that he shall thereafter continue in possession, over and above all Tolls which he shall receive while so continuing in possession; and in case he shall fail to render an Account as aforesaid, or shall wilfully render an Account wrong or false in any respect as hereinbefore mentioned, he shall forfeit and pay to the said County Roads Board the Sum of Fifty Pounds for every Day after such Failure to account, or to render a true and correct Account, as aforesaid, until such Account be rendered or made right, and until such Balance as may be due from such Mortgagee or other Person upon such Account shall be paid: Provided always, that in all Actions of Ejectment for the Recovery of any Tolls, Toll Houses, or Lands which shall be pending at the Time of the Repeal of the said Local Acts respectively, the Parties instituting such Actions shall be entitled, in case they shall obtain a Verdict therein, to such Costs of Suit as if this Act had not been passed; and that the County Roads Board of any County comprising any Turnpike Roads, for the Recovery of the Tolls or Toll Gates on which any Action of Ejectment shall be so pending, shall be at liberty, immediately after the Repeal of the said Local Acts respectively, to apply to one of the Judges of the Superior Courts at *Westminster* to order that such Actions be stayed on Payment to the Parties instituting such Actions of the Costs thereof only, and such Judge shall make such Order accordingly.

XLVII. And be it enacted, That in every Case where any Hundred, Parish, Hamlet, or Place, or any particular Person or Persons, Body or Bodies Politic or Corporate, or any Lands, Tenements, or Hereditaments, is or are now by Law chargeable with or towards the repairing or maintaining of any Turnpike Road or Roads regulated by any Local Act to be repealed in pursuance of this Act, or any Part thereof, or any Bridges, Causeways, Drains, or Sewers upon or in the same, the Inhabitants of every such Hundred, Parish, Hamlet, or Place, and every such

Mortgagees in possession to deliver up Possession, and to account to County Roads Boards.

Lands or Persons liable to Repair of any Roads to continue liable.

Person, Body Politic or Corporate, and the Owners and Proprietors, Feoffees and Trustees, of such Lands, Tenements, and Hereditaments respectively, shall, except such as are expressly exempted by this Act, still remain chargeable with or towards the repairing or maintaining of such Roads, Bridges, Causeways, Drains, and Sewers respectively, in like Manner as they would have been in case this Act had not been passed; and all Bodies Politic or Corporate, Trustees, and other Persons, who, by reason of any Act of Parliament, Grant, Deed, Charter, Will, or otherwise, are liable to pay or apply any Sums of Money whatsoever arising from the Rent of Lands, Tenements, or Hereditaments, or the Interest arising from any Monies in the Funds, or otherwise, in, for, or towards the Repair or Improvement of the said Roads or any of them, shall, except as aforesaid, from Time to Time account for and pay over such Sum or Sums of Money, Rents, or Interest to the said County Roads Boards acting in and for the County in which such Roads shall lie, or to the respective Treasurers of such Boards for the Time being, or otherwise as the said Boards shall respectively order in that Behalf, and the said Boards shall apply such Sum or Sums of Money, Rent, or Interest in, for, or towards the Repair or Improvement of the said Roads respectively: Provided always, that in all Cases in which the Liability to pay any Sum or Sums of Money as aforesaid shall be in respect of the Repair or Improvement of any Turnpike Road or Roads lying, as to Part thereof, in more than One of the said Counties, such Sum or Sums of Money shall be paid to or to the Account of the several County Roads Boards acting in and for the respective Counties in which such Road or Roads shall lie, according to such Rules and Proportions as the said Commissioners for carrying this Act into execution shall determine.

County Roads
Boards may
continue exist-
ing Toll Gates.

XLVIII. And be it enacted, That the said County Roads Boards acting in and for each of the said Counties respectively may, subject to the Restrictions herein-after contained, continue all or any of the Toll Gates, Toll Bars, and Toll Houses in any of the said Counties erected by virtue of any of the Local Acts to be repealed in pursuance of this Act, or by virtue of any former Act relating to any Turnpike Roads within or partly within any of the said Counties, and may, subject as aforesaid, erect such other Toll Gates, Toll Bars, and Toll Houses in, upon, or across, or at the Sides of such Parts of any of the Turnpike Roads within any of the said Counties respectively as the said County Boards shall think proper and expedient, and from Time to Time may repair, renew, and rebuild, as Occasion shall require, such Toll Gates, Toll Bars, and Toll Houses, and cause all such other Erections, Buildings, and other Conveniences to be made and put up, as in their Opinion shall be necessary and proper for the collecting and levying of the Tolls herein-after authorized to be taken upon the said Turnpike Roads, or for any other Purposes connected therewith.

County Roads
Boards may
remove Toll
Gates.

XLIX. And be it enacted, That it shall be lawful for the County Roads Board of any of the said Counties respectively, when and so often as they shall think proper, to cause any of the Toll Gates, Toll Bars, or Toll Houses, or other Erections or Buildings appertaining thereto, already erected or to be hereafter erected in, upon, across, or on the Side of any of the said Turnpike Roads, to be removed

moved to, and erected in, upon, across, or on the Side of such other Parts of the said Turnpike Roads or any of them, or otherwise wholly to be removed or taken away, as the said County Roads Board shall respectively from Time to Time order and direct.

L. And be it enacted, That from and after the Repeal of the said Local Acts respectively it shall be lawful for the County Roads Board of any of the said Counties respectively, or their respective Lessees, Collectors, or Agents, and they are hereby authorized, to demand, receive, and take, on or at the Side of the said several Turnpike Roads in their respective Counties, before the Horse or other Animal, Carriage or other Vehicle, in respect of which any Toll shall be payable, shall be allowed to pass through any Gate or Bar erected or to be erected upon, across, or on the Side of the said Roads, the several Tolls specified in the Second Schedule hereto annexed, subject to the Restrictions and Exemptions in this Act mentioned, and also to the Restrictions, Exemptions, and Provisions in the said General Turnpike Acts mentioned, except so far as the same are varied, altered, or repealed by this Act: Provided always, that the same Rate or Rates of Toll for every Horse or other Animal not drawing, and for every Horse or other Animal drawing, any Carriage or Vehicle of the same Class or Description according to the said Second Schedule, shall, subject as herein-after is mentioned, be respectively taken and received at every Gate and Bar within the same County.

Rates of Toll to be taken under this Act.

Equal Tolls to be taken at all Gates in same County.

LI. And be it enacted, That from and after the Repeal of the said Local Acts respectively no higher or different Rate of Toll shall in any Case be taken or demanded upon any Turnpike Roads within any of the said Counties respectively by reason of any Regulation or Distinction relating to the Breadth, Size, Form, or Construction of the Wheels of any Carriage, Cart, or other Vehicle used or employed upon such Roads, but one and the same uniform Rate of Toll according to the Second Schedule hereunto annexed, and subject to the Provisions and Exemptions of this Act, shall in all Cases be taken in respect of each several Description of Carriage or Vehicle in the said Second Schedule mentioned, without reference to the Dimensions or Construction of the Wheels thereof, any thing contained in the said General Turnpike Acts or in any other Act to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to repeal, vary, alter, or affect any Regulations in the said General Turnpike Acts or any of them contained with respect to any additional Tolls or Penalties thereby imposed or made chargeable on any Carriage, Cart, or other Vehicle by reason of or in proportion to the Weights carried or conveyed in any such Carriage, Cart, or other Vehicle respectively.

Distinction as to Breadth of Wheels to be abolished.

LII. And be it enacted, That from and after the Repeal of the said Local Acts respectively when any Toll shall have been once taken in respect of any Horse or other Animal not drawing, or of any Horse or other Animal drawing, any Carriage or Vehicle, at any Toll Gate or Bar within any of the said Counties, no Toll shall thereafter be taken in respect of the same Horse or other Animal, or in respect of the same Carriage or other Vehicle, on the same Day (to be computed from Twelve of the Clock of the Night to Twelve of the Clock in the next succeeding Night), for

Toll once paid to clear Seven Miles in same or Two in an adjacent County.

repassing through the same Gate or Bar, or for passing or repassing through any other Gate or Bar in the same County, within the Distance of Seven Miles from the Gate or Bar at which such Toll shall have been taken, such Distance measured along Turnpike Roads only, nor for passing or repassing through any Gate or Bar in any other of the said Counties adjoining, within the Distance of Two Miles from the Gate or Bar at which such Toll shall have been taken, to be measured as aforesaid, along and in respect of Turnpike Roads within either of such Counties, nor within One Mile, measured as aforesaid, from the Boundary of such Counties.

Where any Toll payable within the specified Distance is a higher one, the Difference only to be paid.

LIII. Provided always, and be it enacted, That in case any Horse or other Animal, Carriage or other Vehicle, shall be subject to a higher Rate of Toll on repassing through the same Gate or Bar as aforesaid, or on passing or repassing through any other Gate or Bar, within the said Distances respectively before specified, by reason of a different Use made of the same Horse or other Animal, or of the Carriage or other Vehicle drawn by the same, or by reason of a Toll larger than the Toll first paid being payable in any other of the said Counties adjoining, then and in every such Case the Difference only between the Toll so first paid and such larger Toll shall be paid on such subsequent passing or repassing.

Provision as to Stage Coaches and Stage Waggon.

LIV. And be it enacted, That from and after the Repeal of the said Local Acts respectively the Tolls authorized to be taken by this Act shall be paid in respect of all Horses or other Animals drawing any Stage Coach, Stage Waggon, or other Stage Carriage conveying Passengers or Goods for Hire or Reward, the same being customarily used and employed to convey Passengers or Goods for Hire or Reward, for every Time of passing or repassing through any Toll Gate or Bar at which such Tolls shall be payable: Provided always, that in every Case in which Toll shall have been taken at any Toll Gate or Bar in respect of any such Stage Coach, Stage Waggon, or other Stage Carriage, no second or other Toll shall be taken in respect thereof, by reason of any Change of the Horses drawing the same, at any Toll Gate or Bar either in the same or in any adjoining County within the Limits of this Act at which such second or other Toll would not have been payable if such Horses had not been changed.

Post Horses to be charged on every fresh Hiring.

LV. And be it enacted, That the Tolls hereby made payable shall be paid for any Horse or Horses or other Animals drawing any Post Chaise or other Carriage travelling for Hire as often as a new Hiring shall take place, in the same Manner as if no previous Payment of Toll in respect of such Horses or other Animals had been made on the same Day.

Exemptions from Toll.

LVI. And be it enacted, That all Exemptions from Tolls enacted and contained in the said General Turnpike Acts or any of them shall be and the same are hereby extended to this Act, and made applicable thereto, in the same Manner as if the same had been expressly re-enacted herein.

Exemptions of General Turnpike Acts explained and extended.

LVII. And whereas Doubts have arisen with respect to the Construction of certain Portions of the said General Turnpike Acts relating to such Exemptions from Toll: And whereas Toll has been paid or demanded in certain Cases, and with respect to certain

' certain Matters and Things which it is expedient should be exempted therefrom; and it is also expedient that such Doubts as aforesaid should be removed; be it therefore enacted, That from and after the Repeal of the said Local Acts respectively no Toll shall be taken on any Turnpike Road within any of the said Counties for any Horse or other Animal carrying, drawing, or conveying any agricultural Produce which shall have grown or arisen on Land or Ground in the Occupation of, or cultivated, used, or enjoyed by, the Owner of any such agricultural Produce, and which shall not have been bought, sold, or otherwise profitably exchanged or disposed of, nor be going to be bought, sold or otherwise profitably exchanged or disposed of, or for any Sheep going to be washed or returning therefrom, or for any Horse or other Animal drawing or not drawing which shall not go or pass more than Three hundred Yards along or upon such Turnpike Road, whether the Whole or any Part of such Three hundred Yards shall have been traversed before passing through any Gate or Bar, or shall be traversed after passing through the same.

LVIII. And be it enacted, That none of the said Exemptions from Toll in the said General Turnpike Acts or in this Act contained shall be in anywise qualified, restrained, or taken away by reason of any Regulation or Distinction with respect to the Size, Form, Construction, or Dimensions of the Wheels of any Carriage, Cart, or other Vehicle used or employed upon any Turnpike Roads within the Limits of this Act, or by reason of any Regulations as to Weight contained in the said General Turnpike Acts or any of them.

Exemptions not to be defeated on account of Regulations as to Breadth of Wheels, &c.

LIX. And be it enacted, That from and after the Repeal of the said Local Acts respectively it shall not be lawful to demand or take on any Turnpike Road within any of the said Counties respectively, for or in respect of any Horse or other Animal employed in carrying, drawing, or conveying any Lime to be used for the Purposes of Manure, more than One Half of the Tolls which would be otherwise payable in respect of such Horse or other Beast drawing any such Carriage or Vehicle according to the said Second Schedule to this Act annexed.

Lime to be charged Half Toll.

LX. And be it enacted, That from and after the Repeal of the said Local Acts respectively no Toll shall be taken, and no Money arising from Tolls on any Turnpike Roads shall be laid out on any Road or Roads, or Part of any Road or Roads, which by or under any Local Act of Parliament in force for the Time being for the Improvement of any City, Borough, or Town, or any Part or Parts thereof, is or are repaired or maintained by any Commissioners or Trustees for executing such Local Act, nor in paving, repairing, or cleansing any Street, Road, or Highway within the Limits of any City or Market or Borough Town for which there shall not be any such Local Act as aforesaid, and which said Limits shall be fixed and determined for the Purposes of this Act, with respect to every such City or Market or Borough Town respectively, by the said Commissioners upon the Report and Recommendation of the County Roads Board acting in and for the County to which any such City or Market or Borough Town shall belong; and no Street, Road, or Highway comprised within such Limits, or maintained by any such Local Commissioners as aforesaid, shall be deemed

Toll not to be taken within Limits of Towns.

deemed or held to be a Turnpike Road to any Intent or Purpose within the Meaning of this Act.

Toll Tables
to be affixed
at all Gates.

LXI. And be it enacted, That the County Roads Board of each of the said Counties respectively shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every Toll Gate and Toll Bar within such County, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, or in White Letters on a Board with a Black Ground, containing: at the Top thereof the Name of the Gate or Bar at which the same shall be put up, and also a List of all the Tolls payable at such Gate or Bar under the Authority of this Act; and such Table shall specify the several Sorts or Descriptions of Vehicles in respect of which any different Rates of Tolls shall be payable, and also a List of all the Gates or Bars which shall be wholly or partially cleared by the Payment of Toll at such Toll Gate or Bar; and any Lessee of Tolls who shall collect or receive any Tolls at any Gate or Bar at which such Table of Tolls shall not be affixed as aforesaid shall be liable to forfeit and pay a Sum not less than Forty Shillings *per Diem* for every Day during which he shall continue to collect Tolls without such Table being affixed: Provided always, that no Lessee of Tolls shall be liable to any Forfeiture or Penalty under this Act by reason of such Table of Tolls not being affixed as aforesaid, in case it shall appear to the Justice or Justices before whom Information or Complaint in such Case shall be made that such Table has been, by some other Person, without the Privity of such Lessee, unlawfully removed or destroyed, and that sufficient Time has not elapsed for restoring or supplying the same: Provided also, that in case any County Roads Board shall omit to provide a proper Table of Tolls according to the Requirement of this Act, it shall be lawful for the Lessee of Tolls at any such Toll Gate or Bar, of his own Authority, to cause such Table to be made and affixed, and in that Case such Lessee shall be entitled to deduct the Expences necessarily incurred by him in providing such Table of Tolls from the Monies next payable by him to the said County Roads Board in respect of the Rent of such Toll Gate or Bar, and the said County Roads Board shall allow such Deduction upon Receipt of the Residue of the said Rent, and the said Lessee shall be acquitted and discharged of so much Money as the said Expences shall amount to, in the same Manner as if the same had been actually paid to the said Board.

Penalty for
Want of Toll
Table.

County Roads
Boards em-
powered to
reduce Tolls
in Schedule.

LXII. And be it enacted, That it shall be lawful for the County Roads Board of each of the said Counties respectively, at any Time, with the Consent of the Commissioners to be appointed by virtue of this Act, or, after such Commission shall have determined, of One of Her Majesty's Principal Secretaries of State, to lessen and reduce the said Tolls specified in the said Second Schedule to this Act annexed, and again at any Time, with the like Consent, to advance the same, so that the Tolls payable in any of the said Counties do not at any Time exceed the Rates specified in the said Second Schedule, and so that in every such County the said Tolls be always advanced or reduced according to one uniform Scale and Proportion, as to the several Descriptions of Horses or Beasts, Carriages or Vehicles chargeable therewith: Provided never-

nevertheless, that it shall be lawful for the said County Roads Board of any of the said Counties respectively, when and for so long as they shall think proper, to reduce the Toll payable for any Horse or other Animal drawing Peat or Fern to any Sum not less than One Half of the Sum otherwise chargeable under the said Second Schedule, without reducing any other Toll at the same Time: Provided also, that the entire Sum of One Halfpenny shall be taken in lieu of any fractional Part thereof which would otherwise become payable in consequence of any advancing or reducing of the said Tolls: Provided also, that no Alteration in the said Tolls, either by advancing or reducing the same, shall be made to take effect until One Calendar Month at the least after Notice of the same shall have been given by Advertisement twice published in One or more Newspapers circulating in the County to which the same shall relate.

LXIII. And be it enacted, That the County Roads Boards acting in and for each of the said Counties respectively shall hold not less than Four regular Meetings in each Year, including the General Annual Meeting herein-after referred to, at some convenient Place or Places within each of the said Counties respectively, and may adjourn themselves to meet at any other Place or Places within such Counties respectively, and at such Time or Times as the said County Roads Boards, or the major Part of the Members thereof present at any Meeting respectively, shall appoint; and all Acts, Orders, Proceedings, Matters, and Things by this Act authorized or directed to be done by the said County Roads Boards, or by the said General Turnpike Acts authorized or directed to be done by any Trustees or Commissioners of Turnpike Roads, shall and may, except so far as the same are altered, varied, or repealed by this Act, be made, done, and exercised by the major Part of the Members of the said County Roads Boards who shall be present at the respective Meetings to be held by virtue of this Act, or of the said General Turnpike Acts, the whole Number present together at any such Meeting of any County Roads Board not being less than Five: Provided always, that at any Meeting of any County Roads Board which shall be held for the Purpose of letting to farm the Tolls of any District or Districts of any County, such Tolls may be lawfully let, and all Acts and Proceedings relating to such letting of Tolls at such Meeting shall be valid and effectual, although not more than Three Members of such County Roads Board shall be present at such Meeting: and the Time and Manner of holding and convening and also of giving Notice of any Special or Extraordinary Meeting of such Board which it may be thought necessary to hold upon any Emergency shall be regulated as nearly as may be according to the Provisions and Regulations of the said General Turnpike Acts with respect to the like Meetings of Trustees or Commissioners of any Turnpike Roads.

LXIV. And be it enacted, That whenever any Tolls shall hereafter be let to farm by virtue of the Powers given by this or by any other Act or Acts of Parliament, it shall not be necessary, in the Notice to be given according to the Provisions of the said General Turnpike Acts previously to such letting, to specify the Sum which the said Tolls shall have produced during any Time previous

Meetings of
County Roads
Boards.

Power of Ad-
journment.

Three to be
Quorum when
Tolls are to be
let.

Tolls may be
let at any Meet-
ing without
putting them
up at the Sum
before realized.

previous to such letting, nor to state that the said Tolls will be put up at the Sum which they were let for or produced during any such previous Time; and the County Roads Board acting in and for each County may and they are hereby authorized to let such Tolls at every General Meeting to be held in pursuance of this Act for the best Price they may then be enabled to obtain for the same, without being compelled to put up the said Tolls at the Sum for which they were at any previous Time let, or to have any second or other Meeting for letting the same, any Law or Custom to the contrary notwithstanding.

Repeal of Part
of 3 G. 4. c. 126.

LXV. ' And whereas by an Act of Parliament passed in the
' Third Year of King *George* the Fourth, intituled *An Act to*
' *amend the general Laws now in being for regulating Turnpike*
' *Roads in that Part of Great Britain called England*, it is enacted,
' " that the Trustees or Commissioners of every Turnpike Road
' shall and they are hereby required, at their General Annual Meet-
' ing in each Year, to examine, audit, and settle the Accounts of
' the respective Treasurers, Clerks, and Surveyors appointed by
' them, and to require such Treasurers, Clerks, and Surveyors
' to produce their Books, Accounts, Papers, and Vouchers, and to
' examine into the Revenues and Debts, distinguishing Bond from
' Simple Contract Debts of the several Roads for which they shall
' act as Treasurer, Clerk, or Surveyor; and when the Account
' of the said several Treasurers, Clerks, and Surveyors shall be
' settled and allowed by the Trustees or Commissioners present at
' such Meeting, the same shall be signed by the Chairman of such
' Meeting; and if any Treasurer, Clerk, or Surveyor shall refuse or
' neglect to produce his Accounts, or any Book, Paper, or Voucher
' required to be produced by him, such Treasurer, Clerk, or Sur-
' veyor shall be dealt with according to the Provisions herein-
' before contained with regard to Officers refusing to account or
' deliver up Books or Papers, or pay over any Money in their
' Hands; and when and as soon as the said Accounts of the said
' respective Treasurers, Clerks, and Surveyors shall be audited,
' allowed, and signed the Clerks to the Trustees or Commissioners
' holding such Meeting shall forthwith make out a Statement of
' the Debts, Revenues, and Expenditure received or incurred on
' account of the Trust for which the Meeting shall be held, in the
' Form contained in the Schedule to this Act annexed, which said
' Statement shall be submitted to the Trustees or Commissioners
' assembled at such Meeting, and when approved by the Majority
' of them shall be signed by the Chairman of the said Meeting; and
' the said Statement being so approved and signed, the said Clerk
' shall, within Thirty Days thereafter, transmit the same to the
' Clerk of the Peace of the County in which the Road, or the
' major Part thereof, to which the said Statement relates, shall
' lie; and if any Clerk shall refuse or neglect to make out such
' Statement as aforesaid, or to transmit the same within the Time
' herein-before mentioned, every Clerk so offending shall for such
' Offence forfeit and pay the Sum of Fifty Pounds, to be reco-
' vered as herein-after directed:" And whereas by the same Act
' it is enacted, " that the Clerk of the Peace of every County to
' whom such Statements shall be transmitted shall, on receiving
' such Statements, cause the same to be produced to the Justices
' assembled

‘ assembled at the Quarter Sessions to be held next after the
 ‘ Receipt thereof, and also to be registered and kept amongst the
 ‘ Records of the Quarter Sessions of the County for which such
 ‘ Clerk of the Peace shall act; and the said Statements so to be
 ‘ transmitted to the said respective Clerks of the Peace shall,
 ‘ when registered, be open to the Inspection of all and every
 ‘ Person and Persons whatsoever, who may take Extracts there-
 ‘ from or Copies thereof, paying to the Clerk of the Peace in
 ‘ whose Custody the same shall be the Sum of Five Shillings for
 ‘ each Inspection, and the Sum of Sixpence for every Seventy-
 ‘ two Words of such Extract or Copy taken;” be it enacted,
 That so much of the said Act passed in the Third Year of King
 George the Fourth as is herein-before recited shall, so far as
 relates to the said Counties respectively, be and the same is hereby
 repealed.

LXVI. ‘ And whereas by an Act passed in the Session held
 ‘ in the Third and Fourth Years of King William the Fourth,
 ‘ intituled *An Act requiring the annual Statements of Trustees*
 ‘ *or Commissioners of Turnpike Roads to be transmitted to the*
 ‘ *Secretary of State, and afterwards laid before Parliament,* it
 ‘ is enacted, “that the several and respective Clerks to the said
 ‘ Trustees or Commissioners holding such annual Meetings respec-
 ‘ tively as aforesaid shall, within Thirty Days from the passing of
 ‘ this Act, transmit to One of His Majesty’s Principal Secretaries
 ‘ of State for the Time being Copies of all such annual State-
 ‘ ments so already sent by them respectively to the Clerks of the
 ‘ Peace as aforesaid, and shall also transmit to One of His Ma-
 ‘ jesty’s Principal Secretaries of State for the Time being Copies
 ‘ of all such general annual Statements for any future Year or
 ‘ Years so directed to be transmitted to the Clerks of the Peace
 ‘ as aforesaid, within Thirty Days after the same shall have been
 ‘ so approved and signed as aforesaid; and if any such Clerk to
 ‘ the said Trustees or Commissioners shall refuse or neglect to
 ‘ transmit such Copies of such annual Statements within the
 ‘ Time herein-before prescribed for that Purpose, then and in
 ‘ every such Case every such Clerk so offending shall for every
 ‘ such Offence forfeit any Sum not exceeding Ten Pounds, nor
 ‘ less than Five Pounds, at the Discretion of any Justice or
 ‘ Justices of the Peace before whom Complaint of such Offence
 ‘ shall be made:” And whereas by the same Act it is enacted,
 ‘ “that from and after the Expiration of the present Year the
 ‘ Trustees and Commissioners of every Turnpike Road shall hold
 ‘ their General Annual Meeting on or before the Twenty-fifth
 ‘ Day of *March* in every future Year, and not at any other Time,
 ‘ any thing in the said recited Acts or either of them to the
 ‘ contrary notwithstanding;” be it enacted, That so much of the
 said recited Act passed in the Session held in the Third and
 Fourth Years of King William the Fourth as is herein-before
 recited shall, so far as relates to the said Counties respectively,
 be and the same is hereby repealed.

Repeal of Part
 of 3 & 4 W. 4.
 c. 80.

LXVII. And be it enacted, That the several County Roads
 Boards of and for each of the said Counties respectively shall and
 they are hereby required to hold One General Meeting in every
 Year in each of the said Counties, for auditing and examining
 the

Annual General
 Meeting of
 County Roads
 Boards.

the Accounts relating to the several Roads under their Management, on some Day or Days to be appointed for the same by each County Roads Board respectively at their first Meeting to be held after the passing of this Act, or at some subsequent regular Meeting of the said Board, and which said annual General Meeting shall always take place in each of the said Counties respectively in the Months of *January* or *February* in each Year; and the Times of holding such annual General Meetings in the said Counties respectively shall be so fixed and arranged with reference one to another as to enable the General Superintendent of County Roads, to be appointed as herein-after mentioned by virtue of this Act, to be present at such annual General Meeting in each of the said several Counties successively; and if at any Time they shall not be so fixed and arranged respectively as aforesaid, it shall be lawful for the said Commissioners, or, after the said Commission has determined, for One of Her Majesty's Principal Secretaries of State, by their or his Order directed to any County Roads Board, to alter the Time appointed for holding the said annual General Meeting in any of the said Counties, and to appoint such other Time for holding the same as may be found convenient.

Business to be transacted at annual General Meeting.

LXVIII. And be it enacted, That the said last-mentioned Meeting shall be called and known as the "annual General Meeting of the County Roads Board;" and the said Boards respectively shall at the said Meeting in each Year examine, audit, and settle the Accounts of the respective Treasurers, Clerks, Surveyors, Collectors, and other Officers appointed by them respectively, and shall then, or at any other Time, as may be found necessary, be authorized to require such Treasurers, Clerks, Surveyors, Collectors, and other Officers to produce their Books, Accounts, Papers, and Vouchers, and shall also audit, examine, and settle the Accounts of the several District Roads Boards, to be appointed in manner herein-after mentioned, in each of the said Counties respectively, and of the several Officers acting under such District Roads Boards, and shall also receive and examine the several Estimates, Reports, and Accounts which shall be made and submitted to the said County Roads Boards by the General Superintendent of County Roads herein-after mentioned: Provided always, that if any Treasurer, Clerk, Surveyor, Collector, or other Officer shall refuse or neglect to produce his Accounts, or any Book, Paper, or Voucher required by any such County Roads Board, or by the General Superintendent of County Roads herein-after mentioned, to be produced by him, such Treasurer, Clerk, Surveyor, Collector, or other Officer shall be dealt with according to the Provisions contained in the said General Turnpike Acts with respect to Officers refusing to account or deliver up Books or Papers, or pay over Money in their Hands, to the Trustees or Commissioners appointed by or acting under any Local Act.

General Superintendent of County Roads to be appointed.

LXIX. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, by any Writing under his Hand, to appoint a fit and proper Person (or Two fit and proper Persons, if required,) to superintend the Management, Maintenance, and Repair of all the several Turnpike Roads within

the said Counties respectively, and from Time to Time, at the Discretion of the said Principal Secretary of State, to remove the said Person from such Office, and appoint another in his Stead.

LXX. And be it enacted, That the said Person so to be appointed as aforesaid shall be called "The General Superintendent of County Roads for *South Wales*," and shall from Time to Time examine, inspect, and overlook the Management and Repairs of the several Turnpike Roads within each of the said Counties respectively, and the Execution of all Alterations, Improvements, and Works relating to the same, and shall have the Superintendence and Control of all Surveyors and other Officers employed by or under the several District Boards in each County herein-after referred to, and shall be entitled to be present at and to take part in the Proceedings and Business transacted at all Meetings of the several County Roads Boards, and also of the several District Roads Boards herein-after referred to, within any of the said Counties respectively, and to inspect and examine all the Accounts, Books, and other Documents of or relating to the same, and shall attend the said annual General Meetings of the said County Roads Boards in each of the said Counties respectively, and shall examine, audit, and check, and ascertain the Legality of, all Accounts, Bills, Charges, and Vouchers which shall be presented to or laid before such County Roads Boards at such annual General Meetings, and shall also prepare and submit to them, at such Meetings, a general Statement of the Debts, Revenue, and Expenditure incurred or received in and for the Year preceding on account of the several Turnpike Roads within each of the said Counties respectively; and shall also prepare and submit to the said County Roads Boards respectively, at such Meetings, an Estimate of the Revenue and Expenditure on account of the said Roads to be received or incurred in and for the ensuing Year, specifying in such Statements and Estimates the Amount and Proportion of Revenue and Expenditure received or incurred or to be received or incurred in respect of the several Districts to be constituted by virtue of this Act in each of the said Counties respectively, according to the Provisions herein-after contained, and shall sign such Statements and Estimates respectively; and so soon as the said Statements and Estimates shall have been submitted to and examined by such County Roads Boards shall transmit the same or Copies thereof to the said Commissioners, or, after the said Commission shall have determined, to One of Her Majesty's Principal Secretaries of State, to be by them or him laid before both Houses of Parliament, according to the Provisions of the said General Turnpike Acts, and shall also cause the same to be published in One or more of the Newspapers circulating in the County; and shall also from Time to Time, and whenever he shall be required by any County Roads Board so to do, prepare and submit to such County Roads Board an Estimate or Estimates of the probable Expence to be incurred in respect of any proposed Improvement, Alteration, or Work relating to the Roads under the Management of such Board, and shall make such further Reports from Time to Time to the said County Roads Board, or to the said Commissioners, or to the said Secretary of State, respecting the Management and Administration of any Roads hereby

His Office and Duties;

to overlook Management of Roads.

to attend Meetings of County and District Boards;

to examine Accounts at annual Meetings;

to prepare Statements and Estimates;

to transmit Statements and Estimates to Commissioners;

and to report from Time to Time.

hereby placed under his Charge or Control, as he shall be required by LXXX or any of them to do.

Books to be kept, and to be open to Inspection.

LXXI. And be it enacted, That every County Roads Board shall cause a Book to be kept by their Clerk, in which such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received and expended for the Purposes of this Act, and of the several Matters for which such Sums of Money shall have been received or expended; and the said Board shall cause Notes, Minutes, or Copies, as the Case may require, of all the Orders and Proceedings of such Board at the several Meetings thereof to be duly entered in Books to be from Time to Time provided for that Purpose, and such Books shall be Evidence in all Proceedings at Law or in Equity, without further Proof of the Contents thereof, and shall at all reasonable Times be open to the Inspection of all Members of such Boards and of all District Boards within the same County, and of every Person paying any Rate by this Act authorized to be made, without any Fee being demanded for such Inspection; and all such Members and Persons respectively shall be entitled, at reasonable Times, to take Copies or Extracts from the said Books, without paying any Fee for the same; and if, on Request made for that Purpose, the Clerk of any County Roads Board shall refuse to permit any of such Members or Persons respectively to inspect any such Books, or to take Copies or Extracts therefrom as aforesaid, such Clerk shall for every such Refusal forfeit and pay a Sum not exceeding Five Pounds.

First Meeting of County Roads Boards when to be held.

LXXII. And be it enacted, That the first Meeting of each and every County Roads Board to be held in and for the said Counties respectively shall take place on such Day or Days, and at such Place within each of the said Counties respectively, as the said Commissioners by their Order shall direct.

Chairman and Vice Chairman of County Roads Boards to be appointed.

LXXIII. And be it enacted, That the County Roads Board of each County respectively at such first Meeting assembled shall, in the first place, elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board; and the said Chairman, or in his Absence the said Vice Chairman, shall preside at all Meetings to be thereafter held of such Board, and shall have a casting Vote in addition to his own Vote; and in case at any Meeting the said Chairman and Vice Chairman shall both be absent, then some other Member of such Board, to be chosen by the major Part of the Members present at the Time being, shall preside as Chairman for such Meeting; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse to act, the said County Roads Board shall, at their General Meeting to be held next after such Death, Resignation, or Refusal, elect and appoint some other fit and proper Person, being a Member of the said Board, in his Stead.

Clerk and Treasurer to be appointed.

LXXIV. And be it enacted, That every County Roads Board shall at such first Meeting respectively elect and appoint a fit and proper Person to be the Clerk of such Board, and shall also appoint a Treasurer to the said Board; and the said Board shall at their said first Meeting, or afterwards, from Time to Time appoint such Number of Surveyors as in their Judgment shall be required

to overlook the Management and Repairs of the several Turnpike Roads in their County, and shall also determine the Salaries to be paid to such Clerk and Surveyors respectively out of the County Toll Fund herein-after mentioned; and the said Board may from Time to Time at their Discretion remove the said Clerk or Treasurer or Surveyors, and so often as the said Offices or either of them shall become vacant shall elect other fit and proper Persons for the same.

LXXV. And be it enacted, That every County Roads Boards respectively shall at such first Meeting determine and appoint the Times and Places for holding their General Meetings to be held in pursuance of this Act, and shall also from Time to Time determine and agree upon such Rules and Regulations for the Guidance of their own Proceedings at such Meetings, and otherwise, as they shall deem expedient.

County Roads Boards to fix Times of Meeting, &c.

LXXVI. And be it enacted, That the said County Roads Boards respectively shall at their said first Meeting, with the Aid and Advice of the said General Superintendent of County Roads, make a full Examination and Inquiry into the Limits, Extent, Condition, and Circumstances of all the several Turnpike Roads within or partly within their respective Counties which shall, at the Time of the passing of this Act, be regulated by or comprised in any Local Act for making or regulating Turnpike Roads therein; and shall also examine and consider, with the Aid and Advice aforesaid, what Portions (if any) of such Turnpike Roads it may be expedient thereafter to maintain and continue as Main Turnpike Roads; and what Portions (if any) of such Roads it may be expedient wholly to reject and discontinue as Turnpike Roads, so that the same may thereafter be subject to the Laws now in force concerning Highways; and also what Division or Arrangement of the several Roads which they shall deem proper to be maintained as Turnpike Roads within their respective Counties it may be expedient to make for the Purpose of District Management, as herein-after provided; and the said County Roads Boards respectively shall, as soon as may be, in pursuance of the said Inquiry, make or cause to be made a full and particular Report in Writing to the Commissioners for carrying this Act into execution respecting the several Matters herein-before directed to be examined and considered by them, together with such other Recommendations and Suggestions as may be necessary for any other Purposes of this Act, or as they may deem essential to the due Execution thereof.

Board to report upon County Roads, and make Recommendations, &c.

what shall be Turnpike Roads;

what shall cease to be maintained by County;

Division of County into Districts.

LXXVII. And be it enacted, That the said Commissioners shall, upon due Consideration of such Reports and Recommendations respectively, make such Determination respecting the Premises as to them shall seem meet, and shall, by their Orders to be made under their Hands and Seal, direct, with respect to each of the said Counties respectively, what Portions of the said Roads regulated by or comprised in any Local Act as aforesaid shall thereafter continue to be maintained as Turnpike Roads, and also what Portion thereof (if any) shall be wholly rejected and discontinued as Turnpike Roads; and the said Commissioners shall also, by their said Order, direct such and so many Districts as in their Judgment shall be necessary to be formed and constituted in each of the said

Commissioners to make Orders respecting Distribution and Arrangement of County Roads.

Counties respectively in which they shall deem the Formation of such Districts to be expedient for the separate Management and Repair of the several Turnpike Roads within the said Districts, according to the Regulations herein-after contained: Provided always, that in case in any of the said Counties the said Commissioners shall not deem it expedient to constitute any such Division of Districts as aforesaid, then the Management and Repair of all the Turnpike Roads within such County, and all Powers and Things necessary thereto, shall belong, and shall be carried on, done, and executed by or under the Direction of the County Roads Board of such County.

Plan of County Roads to be made by Authority of Commissioners.

LXXVIII. And be it enacted, That the said Commissioners, in pursuance of their said Orders as aforesaid, shall cause a Map or Plan to be made for each of the said Counties, wherein shall be distinctly set out and delineated the several Roads thereafter to be maintained in and for such County as Turnpike Roads, as well as the several Districts into which such County shall be divided, and to which the said Turnpike Roads shall thenceforth respectively be annexed and belong; and the said Map or Plan, or a Copy thereof, stamped with the Seal of the said Commissioners, shall be deposited with the Clerk of every County Roads Board respectively, and shall be received as Evidence, and shall be referred to, in all Suits, Controversies, and Disputes touching the Limits, Boundaries, Situation, or Classification of any such Roads or Districts respectively: Provided always, that the said Map or Plan may be altered or amended by Authority of the said Commissioners, or, after such Commission has determined, of One of Her Majesty's Principal Secretaries of State, if it should become necessary so to do, through the Operation of any of the Provisions herein-after contained.

Plan may be amended.

Roads rejected by Commissioners to become Highways.

LXXIX. And be it enacted, That all such Roads or Portions of Roads within any of the said Counties respectively as the said Commissioners, by their Order as aforesaid, shall direct to be discontinued as Turnpike Roads shall thenceforth cease to be repaired or maintained as such, and no Tolls shall be collected thereon, and all Toll Gates or Toll Bars now standing thereon shall be removed, and the said Roads shall thenceforth be repaired and maintained according to the Laws for the Time being in force relating to Highways, or by the Parties otherwise liable by Law to repair the same.

County Roads Boards to make special Reports in certain Cases.

LXXX. And be it enacted, That it shall be lawful for the said County Roads Boards respectively, at any of their regular Meetings to be held under the Authority of this Act, with the Aid and Advice of the said General Superintendent of County Roads, to make or cause to be made any special Report to the said Commissioners, or, after the said Commission shall have determined, to the said Secretary of State, and by such Report to recommend that any Roads or Portions of Roads theretofore maintained as Turnpike Roads should cease to be so maintained, or that any Deviation or Diversion of or from the Course of any such Roads should be made, or that any other Alteration, Improvement, or Work should be executed, other than for the ordinary Maintenance and Repair of such Roads, and whereof the probable Expence, according to the Estimate of the said General Superintendent, would exceed

One

One hundred Pounds; and thereupon it shall be lawful for the said Commissioners, or, after the said Commission shall have determined, for the said Secretary of State, by their or his Authority, to order that such Recommendations respectively or any of them be carried into effect, and that such Additions, Diversions, Deviations, Alterations, Improvements, or other Works be made and executed as the said Commissioners or the said Secretary of State respectively may approve; and the said County Roads Boards respectively shall then have full Power to make and execute the same out of the Monies or on the Credit of the County Toll Fund herein-after mentioned, subject to the Restrictions and Limitations herein-after contained: Provided always, that no such special Report as aforesaid relating to any such Addition, Diversion, Deviation, Alteration, Improvement, or other Work shall be made, adopted, or agreed to at any Meeting of any County Roads Board unless Notice of the proposed Undertaking or Work to which such Report shall have reference, and of the estimated Cost thereof, shall have been previously given by Advertisement twice published in some or one of or more of the Newspapers circulating in the County to which the same shall relate Twenty-one Days at least before such Meeting of the said County Roads Board.

LXXXI. And be it enacted, That no Money shall be hereafter raised or borrowed for any Purpose whatsoever by or on account of any County Roads Board, or by or on account of any Person or Body of Persons acting in the Execution of this Act, upon the Credit of the Tolls to be raised and collected in any of the said Counties, or upon the Credit of any County Road Fund or County Road Rate herein-after referred to, save and except upon such Terms and Conditions as to the Repayment thereof as will necessarily provide for the Extinction of the Debt thereby created, both in respect of the Principal Monies borrowed and of Interest for the same, before the Expiration of Twenty-one Years from the Time of borrowing such Monies, nor without the Consent of the said Commissioners, or, after the said Commission shall have determined, of the said Secretary of State.

LXXXII. And be it enacted, That the Maintenance and Repairs of the several Turnpike Roads situate and being within the several Districts which shall be marked out and defined in each of the said Counties respectively by the said Commissioners, according to the Provisions herein-before contained, shall, subject to the Superintendence and Authority of the said County Roads Boards and of the said Commissioners as aforesaid, be placed under the Care and Management of local Boards, to be styled "District Roads Boards," and which shall be constituted in manner following; (that is to say,) the said Commissioners shall, so soon as any District shall have been marked out and defined as aforesaid, by Order under their Hands and Seal, nominate and appoint a certain Number, not exceeding Ten in any one District, of fit and proper Persons, not being Justices of the Peace, qualified as herein-after next mentioned, to be Members of such District Roads Board; and every Person who shall reside within such District, and who in his own Right or in right of his Wife shall be the Owner or Occupier, or shall be in the actual Possession of the Rents or Profits, of

Restrictions on borrowing by County Roads Boards.

Local Boards to be appointed, called "District Roads Boards."

How to be constituted.

any Lands, Tenements, or Hereditaments, whether Freehold or Copyhold, within the County wherein such District is situated which shall be rated or rateable to the Relief of the Poor in the Parishes or Places in which the same shall lie at not less than Eighty Pounds *per Annum*, shall be duly qualified to be and be capable of being appointed a Member of such Board; and whenever any of the said Persons who shall have been so nominated and appointed by the said Commissioners as aforesaid shall die or resign, or shall absent himself for Twelve Months from the Meetings of the said Board, or shall cease to be qualified in respect of Residence and Estate or Interest as aforesaid, then the other Members of such Board shall elect other fit and proper Persons, qualified as herein-before described, to be Members of such Board in their Stead; and whenever any of such last-mentioned Persons shall die or resign, or be absent as aforesaid, or shall cease to be qualified as aforesaid, the Vacancy or Vacancies thereby occasioned shall be from Time to Time supplied by Election in like Manner; and all Her Majesty's Justices of the Peace residing within or acting at any Petty Sessions within any such District shall be *ex officio* Members of such District Roads Board.

Commissioners, if expedient, may appoint additional Members.

LXXXIII. And be it enacted, That in case in any of the said Counties the said Commissioners shall not deem it expedient to constitute any such Division of Districts for the Purpose of District Management as aforesaid, then the said Commissioners shall, by their Order as aforesaid, nominate and appoint certain Persons, not less than Six nor more than Twelve in Number, to be additional Members of the County Roads Board of such County, who shall be chosen in manner following; that is to say, an equal Number of such Persons shall be chosen in respect of each Hundred of such County, and shall be Persons resident within such Hundred respectively, and qualified in respect of Property in such County in like Manner as is herein-before provided with respect to the Qualification of Members of District Boards; and whenever any of the Persons who shall have been so nominated by the said Commissioners as aforesaid shall die or resign, or shall cease to be qualified in respect of Residence and Estate or Interest as aforesaid, then the said County Roads Board shall elect other fit and proper Persons, resident and qualified as herein-before described, in their Stead, and all other Vacancies which shall thereafter occur shall be from Time to Time supplied by Election in like Manner: provided that among the Persons so from Time to Time constituted as additional Members of such County Road Boards there shall always be Two Persons at least, resident and qualified as aforesaid, for and in respect of each Hundred of such County.

Manner of choosing additional Members.

LXXXIV. And be it enacted, That the Persons who shall hereafter be appointed as Members of District Boards, or as additional Members of County Roads Boards in Counties having no District Boards, shall after certain Periods cease to be Members of the same respectively by Rotation, and the Vacancies thereby occasioned shall in either Case be supplied from Time to Time in manner following; that is to say, of the Persons who shall have been originally nominated by the said Commissioners as Members thereof respectively Three Persons (who shall be selected by Ballot) shall at the Expiration of Three Years from the Time of such

Persons hereafter chosen as Members of District Boards shall cease to be Members by Rotation, and their Vacancies to be filled up.

Nomination cease to be such Members, and at the Expiration of Four Years from the said Time a like Number of such Persons (to be also selected by Ballot) shall cease in like Manner, and at the Expiration of Five Years from the said Time the Residue of the said Persons who shall have been so originally nominated as aforesaid shall cease to be Members of such Board respectively in like Manner; and in every such Case, and at each of such Periods as aforesaid, for the Purpose of supplying the Vacancies which shall then arise, the other Members of such Boards respectively shall elect an equal Number of fit and proper Persons, qualified as herein before described, to be Members of such Boards in their Stead; provided that at the Expiration of every Year successively after the said Fifth Year those Persons who shall have been elected as aforesaid, and shall have served for the Period of Three Years from such Election as Members of District Boards, or as additional Members of County Roads Boards, shall respectively cease to be such Members, and the Vacancies thereby occasioned shall be from Time to Time supplied by Election in like Manner; and all Persons who shall have been elected at any Time after the passing of this Act to supply any casual Vacancies in such Boards, occasioned by Death, Resignation, or otherwise as aforesaid, shall at the Expiration of Three Years from their said Election cease to be Members thereof, and the Vacancies thereby occasioned shall be from Time to Time supplied by Election in like Manner.

LXXXV. And be it enacted, That no Person shall be qualified to act as a Member of any District Roads Board unless and until he shall in the Presence of One of Her Majesty's Justices of the Peace acting in and for the County to which such District Board shall belong, or of any Two Persons who shall have duly qualified themselves to act as Members of such District Roads Board, make and subscribe the Declaration following; (that is to say,)

‘ I *A. B.* do solemnly and sincerely affirm, That I will truly and impartially, according to the best of my Judgment and Ability, execute and perform the several Powers, Authorities, and Trusts reposed in me by virtue of an Act passed in the Session held in the Seventh and Eighth Years of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales.*’

And if any Person shall act as a Member of any District Board before he shall have made and subscribed the said Declaration, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person or Persons who shall inform or sue for the same in any of Her Majesty's Courts of Record at *Westminster*.

LXXXVI. And be it enacted, That the said County Roads Board acting in and for each of the said Counties respectively shall, at their Meeting to be held next after the Division of such County into Districts shall have been determined and declared by the said Commissioners as aforesaid, elect and appoint such Number of fit and proper Persons as they shall deem necessary, not exceeding the Number of the Districts into which such County shall have been divided, to be the Clerks to the several District Roads Boards acting in and for such Districts respectively, and shall

Declaration to be made by Members of District Boards.

County Roads Boards to appoint Officers of District Boards.

shall from Time to Time fix and appoint the Salaries to be paid out of the said County Toll Fund to such Clerks respectively; and such County Roads Board may at any subsequent Meeting appoint such new and additional Clerks, not exceeding in the whole such Number as aforesaid, as they may from Time to Time deem necessary, and may fix the Salaries to be paid to them respectively, and also at any such Meeting, at their Discretion, make Orders for the Removal of any such Clerk, and whenever any such Clerk shall be removed, or shall die or resign, or refuse to act, may at any subsequent Meeting appoint some other fit and proper Person in his Stead.

Powers and
Duties of Dis-
trict Boards.

LXXXVII. And be it enacted, That the District Roads Board for each District respectively shall have Power to direct and superintend all Matters and Things relating to the maintaining, repairing, and draining of the several Turnpike Roads within such District, and also the maintaining and repairing the Turnpike Gates, Toll Bars, and Toll Houses belonging to the same, and also the Execution of any Work or Improvement which shall respectively have been placed under the Direction and Superintendence of such District Roads Board by the County Roads Board acting in and for the same County, and to direct and superintend the Expenditure of all Monies, and the Use and Application of all Materials and Things, which shall be appropriated to such District by the Order of the said County Roads Board; and the Acts, Orders, Regulations, and Proceedings of such District Roads Boards, as to all the Matters and Things aforesaid, shall be binding and effectual; and such District Roads Boards shall cause Accounts to be kept of the Expenditure and Application of such Monies and Materials as aforesaid, and of all Debts incurred by them, and of the Balance of Money and Materials remaining at their Disposal, and the Clerk of any District Roads Board shall, as often as he shall be required so to do, deliver or transmit such Accounts to the said General Superintendent of County Roads, to be by him submitted to the County Roads Board of such County.

Money and
Materials to be
placed at the
Disposal of
District Boards.

LXXXVIII. And be it enacted, That it shall be lawful for the County Roads Board of each County, by their Order, to assign and place to the Credit or at the Disposal of the several District Roads Boards in each County respectively such Sum or Sums of Money out of the County Toll Fund herein-after mentioned, and such Quantity of Materials or other necessary Things purchased out of the said County Toll Fund, as the said General Superintendent, by his Estimate, to be laid before the said County Roads Board at their annual General Meeting as herein-before provided, shall certify to be necessary and sufficient for the ordinary Maintenance and Repairs of the several Turnpike Roads within such Districts respectively; and it shall also be lawful for the said County Roads Board, by their Order as aforesaid, to place under the Control and Superintendence of the said District Roads Boards respectively, subject to the Restrictions and Limitations herein-before made and provided, any Works or Improvements to be done or executed in or upon any of the Roads within such Districts respectively; and for the Purpose of enabling them to carry on and execute such Works and Improvements to place to their Credit or at their Disposal

posal such Monies, Materials, and other Things as aforesaid as the said General Superintendent, by his Estimate, shall certify to be necessary and sufficient for the Performance thereof.

LXXXIX. And be it enacted, That the several District Roads Boards to be appointed and constituted in manner aforesaid shall meet first at such Time and Place as the said Commissioners shall, by their Order, appoint for them respectively, and shall from Time to Time hold other Meetings not less in Number than Six in each Year, for executing the several Powers and Duties hereby vested in them, at such Times, and at such convenient Place or Places within their respective Districts, as the said Commissioners, upon the Report and Recommendation of the County Roads Board acting in and for the County to which any such District Roads Board shall belong, shall order and appoint; and all Acts, Matters, and Things executed or done by any District Roads Board, in pursuance of this Act, at any such Meeting, the whole Number present at the Time being not being less than Threc, shall be valid and effectual; and for the Purpose of adjourning and voting at all such Meetings, and generally for the Regulation of their Proceedings at all such Meetings, as to all such Things as may be done by such District Roads Boards, the several Provisions of the said General Turnpike Acts, except so far as the same may be altered, varied, or repealed by the Provisions of this Act, shall be applicable to the Meetings of the said last-mentioned Boards.

First and other
Meetings of
District Boards.

XC. And be it enacted, That every District Roads Board, at their said first Meeting, shall in the first place elect and appoint Two fit and proper Persons, being Members of such Board, to be the Chairman and Vice Chairman respectively of such Board for Three Years; and the said Chairman, or in his Absence the said Vice Chairman, shall preside at all Meetings of such Board, and shall have a casting Vote in addition to his own Vote; and in case at any Meeting such Chairman and Vice Chairman shall both be absent, then such other Member as shall be chosen by the major Part of the Members present for the Time being shall preside as Chairman of such Meeting; and whenever any Chairman or Vice Chairman shall die or resign, or shall refuse to act, such Board shall, at their regular Meeting to be held next after such Death, Resignation, or Refusal, elect and appoint some other Member or Members of such Board in his Stead.

District Boards
to appoint
Chairman and
Vice Chairman.

XCI. And be it enacted, That every District Roads Board shall at their said first Meeting after the passing of this Act, and afterwards in every Year at the regular Meeting of such Board which shall take place next before the Thirty-first Day of *December* in each Year, elect and appoint Two fit and proper Persons, being Members of such Board, to serve for the Year then next ensuing as Members of the County Roads Board acting in and for the same County to which such District Roads Board shall belong, and the said Persons so elected shall thereupon become and be duly qualified and lawful Members of such County Roads Board, and shall have all the same Rights, Powers, and Authorities as any other Members of the same; and in case the Persons so elected, or either of them, shall die, resign, or refuse to act, then it shall be lawful for the said District Roads Board, at their next regular Meeting after such Death, Resignation, or Refusal, to elect and appoint

District Boards
to elect Two
of their own
Members to
serve on County
Board.

One or more fit and proper Persons in their or his Stead: Provided always, that nothing herein contained shall prevent the said District Roads Boards from re-electing the same Persons, or either of them, for the Year next ensuing, nor from electing as a Member of such County Roads Board any Person who may have previously been chosen to serve as such Member by any other District Roads Board.

Members of
County and
District Boards
not to be inter-
ested in Con-
tracts.

XCII. And be it enacted, That no Person shall be capable of acting as a Member of any County Roads Board, or of any District Roads Board, in any Case in which he shall be personally interested within the Meaning and according to the Provisions and subject to the Penalties declared and enacted in the said General Turnpike Acts, and the Provisions in the said Acts contained, by which it is declared unlawful for the Trustees or Commissioners of any Turnpike Roads under any Local Act to hold any Place of Profit under such Act, or to be concerned or engaged in any Contract for making or repairing, or in any way relating to, the Road or Roads for which they shall respectively act, shall, together with all Exceptions, Restrictions, Penalties, and Clauses thereto relating, be applicable, except so far as the same may be varied, altered, or repealed by this Act, to all Members of County Roads Boards and District Roads Boards respectively appointed under or acting in execution of this Act.

Members of
County and
District Boards
may act as
Justices.

XCIII. Provided always, and be it enacted, That no Person shall be incapable of acting as a Justice of the Peace in any Matter relating to the Execution of this Act by reason of his being a Member of any County Roads Board, or of any District Roads Board.

Application of
Tolls.

XCIV. And be it enacted, That from and after the Repeal of the said Local Acts respectively the Tolls to be collected on the several Turnpike Roads in each and every of the said Counties by virtue of this Act shall be respectively accounted for, and paid to the Treasurer of the County Roads Board, and shall form in each County One common Fund, to be called the "County Roads Fund," and the said County Roads Fund shall be administered and applied, subject to the Provisions and Restrictions herein-before contained, by the said County Roads Board, and shall be applicable in the first place to the Payment of such Annuity as shall be charged upon such County Roads Fund, and such Rates as aforesaid, according to the Provisions herein-before contained; and the Treasurer of every County Roads Board respectively is hereby directed and required, from and out of the first Monies which shall come to his Hands, to pay such Annuity so charged as aforesaid when and as the same shall become due according to this Act: and, subject to such Payment, the said County Roads Fund shall be applicable to the Repair, Maintenance, Management, and Improvement of the several Turnpike Roads within such County, and to the Salaries of the Officers of the several County and District Boards respectively, and to such other just and necessary Expences as may be incurred in and about the Management of the said Turnpike Roads, and in execution of the Powers and Provisions of this Act.

If County
Roads Fund

XCIV. And be it enacted, That in case it shall appear to any County Roads Board acting in and for any of the said Counties respectively,

respectively, at the annual General Meeting of such Board to be held under this Act, upon comparing the estimated Receipts and Expenditure of and for such County in respect of Turnpike Roads for the Year next ensuing, which shall be made out and submitted to such Board by the said General Superintendent as aforesaid, that the said County Roads Fund will in the Year next ensuing be insufficient for the several Purposes to which the same is by this Act made applicable, such County Roads Board shall thereupon proceed to determine what Amount of Money will be necessary and sufficient, in addition to such County Roads Fund, to meet and supply the several Purposes aforesaid; and the said County Roads Board shall then certify the Sum of Money necessary as aforesaid by a Certificate in Writing, to be signed by the Chairman of the said Board at their said Meeting, and which shall be forthwith transmitted by the Clerk of such Board to the Clerk of the Peace or Deputy Clerk of the Peace for such County; and the said Clerk of the Peace, or his Deputy, shall produce the said Certificate to the Justices of the Peace for such County at their General Quarter Sessions assembled which shall be held next after he shall have received the same: Provided always, that the Sum so certified by any County Roads Board to be required in aid of such County Roads Fund shall in no Case exceed the yearly Sum which shall be payable by way of Annuity as aforesaid to the said Public Works Loan Commissioners by the County in which such Sum shall be required.

XCVI. And be it enacted, That the Justices of such County in such General Quarter Sessions assembled shall, for the Purpose of raising the Monies specified in such Certificate, make a fair and equal Rate, to be called "the County Road Rate," and for that Purpose shall assess and tax the whole of such County according to a certain Pound Rate of and upon the full and fair annual Value of all Messuages, Lands, Tenements, and Hereditaments within the said County, to be computed according to the Valuation for the Time being acted upon in assessing the County Rate of such County, which said County Road Rate shall be levied, collected, and paid in the same Manner, and by the same Persons, and under the same Powers, Provisions, and Authorities, as any County Rate now by Law authorized to be collected from the Persons liable to contribute to the same: Provided always, that whenever the said County Road Rate shall be collected together with and as Part of the ordinary County Rate, the Warrants issued by the said Justices to the High Constables, and by the High Constables to the Overseers, and others required by Law to collect the County Rates, shall state how much is levied for the ordinary County Rate, and how much for the said County Roads Rate, and the said Rates shall be levied accordingly.

XCVII. And be it enacted, That for the Purpose of obtaining the Sum which ought to be contributed towards the said County Roads Rate by any Liberty or Franchise not contributing to the County Rate of any such County, it shall be lawful for the said Justices so assembled as aforesaid to make a Rate, in just and equal Proportion to the Pound Rate to be levied upon Property liable to the County Rate as aforesaid, upon all Property within any Liberty or Franchise which shall be liable to any Liberty Rate, or Rate in

prove insufficient for the Purposes required, County Roads Board shall certify the Amount required to Quarter Sessions.

Justices in Quarter Sessions to make a Rate to supply the Amount required.

Provision for levying Road Rate in Places not contributing to County Rate.

the Nature of a County Rate therein, according to the Valuation of such Property acted upon, and for the Time being, in assessing the said Liberty Rate, or Rate in the Nature of a County Rate, in such Liberty or Franchise; and the said Justices shall thereupon issue their Warrant under the Hands of Two or more of them, by which Warrant they shall require the Treasurer, or other Person having the Receipt of any Liberty Rate, or Rate in the Nature of a County Rate, within such Liberty or Franchise, to pay to the Treasurer of such County, out of the Monies collected by way of Liberty Rate, or Rate in the Nature of a County Rate, the Amount mentioned in such Warrant; and every such Warrant shall specify the Rate in the Pound at which the Sum therein mentioned shall be computed.

Justices of any Liberty or Franchise to make a Rate upon the same.

XCVIII. And be it enacted, That the Justices of such Liberty or Franchise shall order a Rate to be made, at the Rate mentioned in the said Warrant, upon the Property so liable as aforesaid within such Liberty or Franchise, which shall be levied and collected therein as Part of the Liberty Rate, or Rate in the Nature of a County Rate, to which such Liberty or Franchise is liable, in like Manner as the said County Road Rate is hereinbefore directed to be levied and collected in such Parts of any County as are liable to any County Rate, and shall be paid over by the Treasurer, or other Person having the Receipt of any Liberty Rate, or Rate in the Nature of a County Rate, within such Liberty or Franchise, within Forty Days from the Receipt of such Warrant, to the Treasurer of the County from the Justices of which such Warrant shall have issued.

In case of Default, or if there is no Rate applicable within such Liberty or Franchise, Justices of the County empowered to act.

XCIX. And be it enacted, That if Payment shall not be made within the said Forty Days, according to the Exigency of the said Warrant, or if there shall be no Person to whom such Warrant can be directed, or no Liberty Rate, or Rate in the Nature of a County Rate, to which the Inhabitants of such Liberty or Franchise contribute, or if for any other Reason it shall seem more convenient to the said last-mentioned Justices, it shall be lawful for them to levy upon any Liberty or Franchise the full Amount of the Rate to which they shall have determined such Liberty or Franchise to be liable as aforesaid; and for the Purpose of levying and collecting such Rate the said Justices shall have, for the Purposes of this Act, within every such Liberty or Franchise respectively, the same Powers which they have for levying and collecting County Rates within the Limits of their own Commission, and such Rate may be levied and collected by the like Methods and subject to the same Right of Appeal as are applicable to any County Rate collected within the Parts of any County liable to the same; and the High Constable of every Hundred or other Division in which such Liberty or Franchise shall be wholly or in part locally situated, on the Receipt of a Warrant to that Effect, under the Hands of Two or more of the said Justices, shall collect the said Rate; and the Overseers of the Poor, or in default of Overseers, or in case there shall be no separate Rate for the Relief of the Poor in any Portion of such Liberty or Franchise, then such Person or Persons as the said Justices in Quarter Sessions assembled shall appoint for that Purpose, in every Parish or Place to which such Liberty or Franchise or any Part thereof shall

belong, upon Receipt of a Warrant to that Effect from the said High Constable, shall pay the Amount assessed upon their Parish or Place respectively, or upon that Part of it which is liable thereto, in like Manner, and subject to the like Penalties in case of Default, as if such Liberty or Franchise were, for the Purpose of a County Rate, and for all other Intents and Purposes, a Part of such County.

C. And be it enacted, That the Treasurer of any of the said Counties, or any Person having an Order for that Purpose under the Hand of such Treasurer, may inspect any Liberty Rate, or Rate in the Nature of a County Rate, made or to be made for any Liberty or Franchise locally situate within such County, and may also inspect any Returns relating to any of the Parishes or Places the Inhabitants of which shall be liable to be rated as aforesaid, which have been or are to be delivered in pursuance of any of the Acts relating to County Rates, and may take Copies or Extracts of or from any such Rates or Returns without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate or Return shall wilfully neglect or refuse to permit any such Treasurer or other Person authorized as aforesaid to inspect the same, or to take Copies of or Extracts from the same, for Two Days after such Order shall have been produced and shown to him, or a Copy thereof left at his usual Place of Abode, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit and pay for every such Offence such Sum, not exceeding Ten Pounds, as they shall think meet.

Power to inspect Rates and Returns.

CL. And whereas it is expedient that the Charge to be created 'in respect of such County Road Rate should be imposed upon 'the Owners and Proprietors of Land within the said Counties 'respectively;' be it therefore enacted, That any Person who shall occupy any Lands or Tenements in any of the said Counties, or in any Liberty or Franchise locally situated therein, having any Interest not amounting to a Freehold Interest in the same, and not being Tenant thereof for any Term exceeding Thirty Years certain from the Commencement of such Term, who shall be called upon to pay any Monies in respect of such Rate, shall be entitled to demand a Receipt in Writing for the same, and upon producing such Receipt shall be entitled to deduct from the Rent next payable to the Landlord or Person under whom he holds or occupies such Lands or Tenements so much as he shall have paid on account of such Rate during the same Period in respect of which such Rent shall be due and payable, and such Landlord or other Person shall allow such Deduction upon receipt of the Residue of the said Rent; and such Occupier, Lessee, or Tenant shall be acquitted and discharged of so much Money as he shall have paid in respect of such Rate in the same Manner as if the same had been actually paid to such Landlord or other Person.

Occupier paying Road Rate may deduct it from Rent paid to his Landlord.

CII. And be it enacted, That the Treasurer of any County in which such Rate shall have been levied as aforesaid shall, so soon as the same shall have been collected, pay over all Monies received in respect of the same to the Treasurer of the County Roads Board acting in and for such County, and such Monies when so paid over shall form a Part of the County Roads Fund for such County, and shall be applicable as such to the several Purposes to which the

Road Rate to be paid over by County Treasurer to Treasurer of County Roads Board.

the said County Roads Fund is herein-before directed to be applied.

County Roads Board may make Orders on Parishes to carry or draw Materials for Turnpike Roads.

CIII. And be it enacted, That it shall be lawful for any County Roads Board, at any regular Meeting held under this Act, if in their Judgment, with reference to the State of the County Roads Fund, and the State and Condition of the Roads in their County, or otherwise, it shall be necessary or expedient so to do, to determine what Proportion, if any, of the Carriage or Haulage of Materials required to be carried or drawn for the Purpose of making or repairing any Turnpike Roads in such County shall be done and performed by or at the Cost of the Inhabitants of any Parish, Township, or Place in which any Part of such Roads shall be locally situate, and in pursuance of such Determination to make such Order in Writing as to them shall seem meet, which said Order shall be signed by the Chairman of such Meeting, and shall be addressed and delivered to any Surveyor of Highways of the Parish, Township, or Place to which such Order shall relate: Provided always, that no such Order shall be valid which shall require or direct the Performance of any other Kind of Work, Labour, or Duty, except as is herein-before mentioned, or which shall require or direct the Payment of any Money, or the Supply of any Materials by or at the Cost or Charge of the Inhabitants of any such Parish, Township, or Place.

Surveyor of Turnpike Roads to pay for Work done in drawing Materials, and to be repaid out of Highway Rate.

CIV. And be it enacted, That the Surveyor of Turnpike Roads of the District wherein shall be comprised the Road or Roads with respect to which such Carriage or Haulage shall be required as aforesaid shall fix a certain fair and reasonable Rate or Scale of Prices to be allowed for the Carriage or Conveyance of Materials according to the Weight or Measurement thereof, and according to the Distance to be traversed in carrying or conveying the same, and shall contract and agree with any Inhabitant or Inhabitants of the said Parish or Place having the requisite Means or Ability for performing the same, for the carrying and conveying of such Materials as may be required, in pursuance of the said Order of the said County Roads Board; and when such Carriage or Conveyance shall have been done and performed then the said Surveyor shall pay to such Inhabitant or Inhabitants the Price or Rate fixed as aforesaid in respect of the same; and all Monies so paid by such last-mentioned Surveyor shall be repaid to him by the Surveyor of Highways to whom any such Order as aforesaid shall have been addressed, out of the Monies collected or to be collected by him as and for the Highway Rate of the Parish, Township, or Place to which such Order shall relate, and the said Surveyor of Turnpike Roads shall give to the said Surveyor of Highways Receipts in Writing for all Monies so paid.

Disputes respecting Carriage of Materials to be referred to Two Justices.

CV. And be it enacted, That in case the said Surveyor of Turnpike Roads shall be unable to agree with any Inhabitant thereof for the Performance of such Carriage and Conveyance of Materials as aforesaid, or in case any Dispute shall arise between such Surveyor and any Inhabitant of such Parish, District, or Place respecting the Liability of such Inhabitant to perform such Carriage and Conveyance as aforesaid, or respecting the Price or Sum by the said Surveyor to be allowed for such Carriage or Conveyance, or otherwise, then and in every such Case it shall be

lawful

lawful for any Two or more Justices of the Peace acting in and for the County in which such Parish, District, or Place shall be, upon Application made to them by such Surveyor, or by such Inhabitant, to hear and determine the said several Matters in dispute, and the said Justices may either order that such Inhabitant shall perform some certain Portion of such Carriage or Conveyance, or that the Rate or Scale to be allowed for such Carriage or Conveyance shall be altered or amended, or shall make such other Order respecting the Premises as Justice shall require, and such Order shall be final and conclusive as to all Matters therein specified; and any such Inhabitant who shall have been commanded by such Order to perform any Carriage or Conveyance of Materials, and who shall neglect or refuse to obey such Order for Seven Days after he shall have received Notice of the same, shall for every such Offence forfeit and pay a Sum not exceeding Forty Shillings.

Penalty.

CVI. 'And whereas a certain public Bridge called the *Llandilo Rhynws* Bridge has been erected over the River *Towey* in the County of *Caermarthen*, and the same has been maintained and repaired under the Provisions of a certain Local Act of Parliament to be repealed in pursuance of this Act as aforesaid: And whereas a certain other Bridge over the same River called the *Towey* Suspension Bridge, and in the same County, has been erected and maintained under the Provisions of a certain other Local Act to be in like Manner repealed; be it enacted, That all Debts due to any Mortgagees or Creditors in respect of the said Bridges or either of them, or secured upon the Tolls thereof respectively, shall be dealt with, estimated, and redeemed by the said Commissioners in manner herein-before directed with respect to the Debts of all Turnpike Trusts in the said County, but that from and after the Repeal of the said last-mentioned Local Acts respectively the same shall become to all Intents and Purposes County Bridges, and shall be repaired and maintained by and at the Charge of the said County of *Caermarthen*, in like Manner as any County Bridges ought now by Law to be maintained and repaired.

Llandilo Rhynws Bridge and *Towey* Suspension Bridge to become County Bridges.

CVII. 'And whereas a certain public Bridge called "The *Wych Tree* Bridge" in the said County of *Glamorgan* has been erected and maintained under the Provisions of a certain Local Act of Parliament to be repealed in pursuance of this Act; be it enacted, That all Debts due to any Mortgagees or Creditors in respect of the said Bridge, or secured upon the Tolls thereof, shall be dealt with, estimated, and redeemed by the said Commissioners in manner aforesaid, but that from and after the Repeal of the said last-mentioned Local Act the said last-mentioned Bridge shall become to all Intents and Purposes a County Bridge, and shall be repaired and maintained by and at the Charge of the said County of *Glamorgan*, in like Manner as any County Bridges ought now by Law to be repaired and maintained.

Wych Tree Bridge to become a County Bridge.

CVIII. 'And whereas the Trustees acting in execution of the Local Act regulating the said *Wych Tree* Bridge and Avenues leading thereto have heretofore agreed with the Trustees of the *Swansea* District of Roads in the said County of *Glamorgan* for the Consolidation of the said *Wych Tree* Trust with the said *Swansea*

Commissioners to treat the *Wych Tree* Trusts as if heretofore consolidated with the *Swansea* District.

' *Swansea* District, and the Arrangements necessary to such Consolidation have been partly carried into effect, and such Arrangements have been *bonâ fide* made by the said Trustees, and would if this Act had not been passed have been beneficial to the said County ;' be it enacted, That the said *Wych Tree* Trust, and the Accounts, Debts, and Liabilities thereof, shall be treated, considered, and dealt with by the said Commissioners in their said Inquiry, and in estimating the said Debts, in like Manner to all Intents and Purposes as if the said *Wych Tree* Trust had been heretofore by Law consolidated with the *Swansea* District.

Loughor Bridge to be maintained as a County Bridge between the Counties of Glamorgan and Caermarthen jointly.

CIX. ' And whereas a certain public Bridge called the *Loughor* Bridge has been erected over a certain River or Estuary called the *Loughor* River, which divides the said County of *Caermarthen* from the said County of *Glamorgan*, and the same has been maintained and repaired under the Provisions of a certain Local Act of Parliament to be repealed in pursuance of this Act: And whereas the said last-mentioned Bridge is useful and beneficial to both of the said last-mentioned Counties respectively ;' be it therefore enacted, That all Debts due to any Mortgagees or Creditors in respect of the said last-mentioned Bridge, or secured upon the Tolls thereof, shall be dealt with, estimated, and redeemed as aforesaid by the said Commissioners ; and when the total Amount or Value of the said Debts shall have been by them fixed and determined a Sum equal to One Fourth Part thereof shall be charged by the said Commissioners, according to the Provisions of this Act, upon the said County of *Glamorgan*, and the Residue thereof shall be charged in like Manner upon the said County of *Caermarthen* ; and after the said Local Act regulating the said last-mentioned Bridge shall have been repealed as aforesaid the said Bridge so soon as it shall have been certified under the Hand of the General Superintendent of County Roads to be appointed under this Act to be in good and sufficient Repair, which Repair, if required, shall be done at the Cost and Charge of the said County of *Caermarthen*, shall become a County Bridge, and shall be repaired and maintained in equal Share and Proportion, and at the joint Charge and Expence of the Counties of *Caermarthen* and *Glamorgan*, in like Manner as any County Bridges ought now by Law to be repaired and maintained, and each of the said Counties shall be and continue severally liable in respect of One Moiety of the said Bridge and of the Repairs thereof.

Part of the Debt of the Rumney Bridge Trust to be borne by the Newport Turnpike Trust.

CX. ' And whereas a certain public Bridge called the *Rumney* Bridge has been erected over the River *Rumney*, which divides the said County of *Glamorgan* from the County of *Monmouth*, and the same has been maintained and repaired under the Provisions of a certain Local Act of Parliament to be repealed in pursuance of this Act: And whereas the said last-mentioned Bridge has been and is useful and beneficial to both of the said last-mentioned Counties respectively ;' be it therefore enacted, That all Debts due to any Mortgagees or Creditors in respect of the said last-mentioned Bridge, or secured upon the Tolls thereof, shall be dealt with, estimated, and redeemed by the said Commissioners as aforesaid in like Manner as the Debts of any Turnpike Trust in the said County of *Glamorgan* : Provided nevertheless, that the Sum of One thousand Pounds shall be paid and contributed

buted for and towards the Redemption and Payment of the said Debts by the Trustees appointed under and acting in execution of a certain Act of Parliament made in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act for diverting, altering, repairing, maintaining, and improving the several Turnpike Roads within the District of Newport in the County of Monmouth*, which said Sum of One thousand Pounds shall, after the Repeal of the Local Act regulating the said Bridge, be due and payable by and from the said last-mentioned Trustees unto or to the Account of the County Roads Board acting in and for the said County of *Glamorgan*; and the said Trustees are hereby authorized and empowered to charge the Tolls of the said *Newport* Turnpike Trust with the Payment to the said last-mentioned County Roads Board of such an Annuity as shall be equal to Five Pounds and Five Shillings for every One hundred Pounds of the said Principal Sum of One thousand Pounds, together with Interest thereon, and so in proportion for every fractional Part of One hundred Pounds, such Annuity to be payable for the Term of Thirty Years, commencing from a certain Day to be named by the said Commissioners for carrying this Act into effect, after the Repeal of the Local Act regulating the said Bridge, and to be paid half-yearly and without Deduction on certain Days to be fixed by the said Commissioners, the first Payment whereof shall be made on such of the said half-yearly Days of Payment as shall next happen after such Annuity shall have commenced and become payable as aforesaid; and after the said Local Act regulating the said last-mentioned Bridge shall have been repealed as aforesaid the said Bridge shall (so soon as it shall have been certified under the Hand of the General Superintendent of County Roads to be appointed under this Act to be in good and sufficient Repair, such Repairs to be done at the Cost and Charge of the said County of *Glamorgan*.) become a County Bridge, and shall be thenceforth repaired and maintained in equal Share and Proportion, and at the joint Charge and Expence of the said Counties of *Glamorgan* and *Monmouth*, in like Manner as any County Bridges ought now by Law to be repaired and maintained, and each of the said Counties shall be and continue severally liable in respect of One Moiety of the said Bridge, and of the Repairs thereof; and no Part of the said Repairs or of the Expence thereof shall be thereafter required to be done or contributed by any Person or Persons, or by the Inhabitants of any Parish or Place, heretofore liable or accustomed to repair the same.

CXI. And be it enacted, That nothing in this Act contained shall extend or apply to a certain Bridge erected over and across the River *Wye* called the *Hay* Bridge, and which is situated on or between the Confines of the said County of *Radnor* and of the said County of *Brecknock*, nor to a certain other Bridge lately erected over and across the River *Dungledau* at or in the Town and County of *Haverfordwest*, nor to a certain other Bridge erected over and across the said River *Wye* called the *Boughrood* Bridge, and which is situated on or between the Confines of the said County of *Brecknock* and of the said County of *Radnor*, nor to any Local Act or Acts of Parliament for making, erecting, maintaining, or regulating the said last-mentioned Bridges respectively, any thing herein-

2&3 W.4.c.xiv.

Rumney Bridge to be maintained as a County Bridge between the Counties of Glamorgan and Monmouth jointly.

Act not to apply to Hay Bridge, nor to Haverfordwest or Boughrood Bridges.

herein-before contained to the contrary thereof in anywise notwithstanding.

Provision as to
Portion of Road
in Rhayader
and Llangerrig
Trust.

10 G. 4. c. iv.

CXLII. 'And whereas a certain Portion of Road heretofore made and maintained under a certain Local Act of Parliament passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for making and maintaining a Road from Rhayader in the County of Radnor to Llangerrig in the County of Montgomery*, is locally situated in the said last-mentioned County of *Montgomery*;' be it enacted, That from and after the Repeal of the said last-mentioned Local Act the said last-mentioned Portion of Road shall, for the Purpose of this Act, and for the Purpose of maintaining the same, be annexed to and become Part of the next adjoining District of Roads of and belonging to the said County of *Montgomery*; and all the Powers, Clauses, and Provisions of an Act passed in the Session held in the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act for improving and maintaining certain Roads in the Counties of Montgomery, Merioneth, Salop, and Denbigh*, shall apply to and include such last-mentioned Portion of Road, in like Manner as if the same had been expressly mentioned and comprised in the said Act: Provided always, that it shall not be lawful for the Trustees, or other Persons acting in execution of the said last-recited Act, to erect or maintain any Toll Gate or Toll Bar, or to collect or cause to be collected any Toll, upon, across, or at the Side of the said Portion of Road, any thing in the said last-recited Act to the contrary notwithstanding.

4 & 5 W. 4.
c. xxxi.

Recovery and
Application of
Penalties.

CXLIII. And be it enacted, That all Fines and Penalties imposed by this Act shall be recovered and applied in the same Manner as Fines and Penalties imposed by the said General Turnpike Acts or any of them; and the several Clauses and Provisions in the said last-mentioned Acts contained respecting the Recovery and Application of Penalties shall be applicable for the Purposes of this Act as if the same were expressly re-enacted herein.

Interpretation
of Act.

CXLIV. And be it enacted, That in construing this Act the following Words and Expressions shall have the several Meanings herein-after assigned to them, unless there be something in the Subject or Context repugnant to such Constructions; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

The Word "Person" shall include Corporation, whether sole or aggregate:

Words importing the Masculine Gender shall include Females:

The Word "Lands" shall include all Messuages, Tenements, and Hereditaments:

The Word "Parish" shall include Townships, Tithings, Rapes, Vills, Wapentakes, Divisions, Liberties, Market Towns, Franchises, Hamlets, Precincts, Chapelries, or other like Districts:

The Words "General Quarter Sessions" shall include General or Quarter Sessions, or Adjournments thereof:

The Words "Justices of the Peace" shall include Justices of the Peace of any County, Borough, Liberty, Precinct, County of a Town, or Town Corporate:

The

The Words "Turnpike Roads" shall include all Roads, Ways, Streets, Lanes, Causeways, or Bridges, or Parts thereof, mentioned or comprised in any Local Act of Parliament, in, upon, or at the Sides of which Tolls are authorized by such Act to be collected, and which Tolls are applicable to the Debt charged upon the same, and to the Maintenance or Repair of such Roads, Ways, Streets, Lanes, Causeways, or Bridges :

The Words "Turnpike Trust" shall include all and every Turnpike Road or Roads, or Parts thereof, the Tolls of which are applicable to the Debt charged upon such Tolls only, or to the Maintenance of such Road or Roads only, or Parts thereof, whether regulated or not by the same Act or Acts of Parliament, with any other Road or Roads, or Parts thereof :

The Word "Trustees" shall be held to include Commissioners and all Persons appointed to put in execution any Local Act or Acts for regulating Turnpike Roads :

The Word "Tolls" shall include all Monies payable under any Act regulating Turnpike Roads, or forming Part of the Revenue of any Turnpike Roads :

The Words "Toll Gates" shall include Toll Bars, Toll Houses, and all other Erections, Buildings, and Things built, set up, or made for any Purpose connected with the Collection of Tolls :

The Word "Mortgage" shall include all Deeds, Tallies, Bonds, Assignments, or other Instruments by which any Principal Sum of Money is secured upon any Tolls, or by which any Tolls or Toll Gates, or any Part or Proportion thereof, are assigned, in consideration of any Principal Sums of Money advanced to any Trustees of Turnpike Roads, and all Assignments of such Deeds, Assignments, or other Instruments :

The Word "Mortgagee" shall include all Persons holding or entitled to hold any such Mortgages, Tallies, Deeds, Bonds, Assignments, or other Instruments or Assignments, or Transfers thereof as aforesaid :

The Word "Month" shall mean Calendar Month ; and where any Number of Days is specified, the same shall be reckoned exclusively of the Days to and from which Computation is directed to be made.

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

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE.

An Act passed in the Third Year of the Reign of King George the Fourth, intituled "An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England."

An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled "An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England."

- An Act passed in the Session held in the Seventh and Eighth Years of the Reign of King George the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads in England."
- An Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads."
- An Act passed in the Session held in the First and Second Years of the Reign of King William the Fourth, intituled "An Act to amend the Acts for regulating Turnpike Roads in England, so far as they relate to certain Exemptions from Toll."
- An Act passed in the Session held in the Second and Third Years of the Reign of King William the Fourth, intituled "An Act to explain certain Provisions in Local Acts of Parliament relating to Double Toll on Turnpike Roads."
- An Act passed in the Session held in the Third and Fourth Years of King William the Fourth, intituled "An Act requiring the annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament."
- An Act passed in the Session held in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled "An Act to amend an Act of the Third Year of King George the Fourth, for regulating Turnpike Roads in England, so far as the same relates to the Weights to be carried upon Waggon with Springs."

SECOND SCHEDULE.

RATE of TOLL to be taken in the COUNTIES to which this Act refers.

For every Horse or other Beast drawing any Coach, Chariot, Berlin, Landau, Landauet, Barouche, Chaise, Phaeton, Vis-a-vis, Calash, Curricule, Car, Chair, Gig, Hearse, Caravan, Litter, or any such like Carriage	£	s.	d.
		0	0 6
For every Horse or other Beast, except Asses, drawing any Waggon, Wain, Cart, or other such like Carriage		0	0 4
For every Ass drawing any Cart, Carriage, or other Vehicle		0	0 2
For every Horse or Mule, laden or unladen, and not drawing		0	0 1½
For every Ass, laden or unladen, and not drawing		0	0 0½
For every Drove of Oxen, Cows, or neat Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or less Number.			
For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or less Number.			
For every Carriage drawn or impelled by Steam, or other Power other than Animal Power, having Two Wheels		0	1 0
And for every such last-mentioned Carriage having more than Two Wheels		0	2 0

C A P. XCII.

An Act to amend the Law respecting the Office of County Coroner. [9th August 1844.]

WHEREAS the Regulations for the Elections of Coroners for Counties are insufficient: And whereas such Elections are made with much Inconvenience, and are attended with great and unnecessary Expence: And whereas, for Remedy of such Grievances, it is expedient that an Alteration should be made in the Manner of making such Elections: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate the Elections of Coroners for Counties*, shall be repealed.

58 G. 3. c. 95.
repealed.

II. And be it enacted, That when and as often as it shall seem expedient to the Justices of any County that such County should be divided into Two or more Districts for the Purposes of this Act, or that any Alteration should be made of any Division theretofore made under this Act, it shall be lawful for the said Justices, in General or Quarter Session assembled, to resolve that a Petition shall be presented to Her Majesty, praying that such Division or Alteration be made, and thereupon to adjourn the further Consideration of such Petition until Notice thereof shall be given to the Coroner or Coroners of such County as herein-after provided.

Petition for
Division of
Counties.

III. And be it enacted, That the Clerk of the Peace shall give Notice of any such Resolution to every Coroner for such County, and of the Time when the Petition will be taken by the said Justices into consideration, and the Justices shall confer with every such Coroner, who shall attend the Meeting of the Justices for that Purpose, touching such Petition, having due Regard to the Size and Nature of each proposed District, the Number of the Inhabitants, the Nature of their Employments, and such other Circumstances as shall appear to the Justices fit to be considered in carrying into execution the Provisions of this Act; and such Petition, with a Description of the several proposed Districts, and of the Boundaries thereof, with the Reasons upon which the Petition is founded, shall be certified to Her Majesty under the Hands and Seals of Two or more of the Justices present when such Petition shall be agreed to, and the Clerk of the Peace for such County shall forthwith give or send a true Copy of such Petition, certified under his Hand, to every Coroner for such County.

Preparation of
Petition.

IV. And be it enacted, That it shall be lawful for Her Majesty, if She shall think fit, with the Advice of Her Privy Council, after taking into consideration any such Petition, and also any Petition which may be presented to Her by any Coroner of the same County concerning such proposed Division or Alteration, or whenever it shall seem fit to Her Majesty to direct the Issue of a Writ De coronatore eligendo, for the Purpose of authorizing the Election of an additional Coroner above the Number of those who have been theretofore customarily elected in such County, to order that such County shall be divided into such and so many Districts, for

Division of the
County into
Districts.

the Purposes of this Act, as to Her Majesty, with the Advice aforesaid, shall seem expedient, and to give a Name to each of such Districts, and to determine at what Place within each District the Court for the Election of Coroner for such District shall be holden as herein-after provided, and every such Order shall be published in the *London Gazette*.

Districts to be assigned to Coroners.

V. And be it enacted, That the Justices in General or Quarter Session assembled shall assign one of such Districts to each of the Persons holding the Office of Coroner in such County, and upon the Death, Resignation, or Removal of any such Person each of his Successors, and also every other Person thereafter elected into the Office of Coroner in such County, shall be elected to and shall exercise the Office of Coroner, according to the Provisions of this Act, and shall reside within the District in and for which he shall be so elected, or in some Place wholly or partly surrounded by such District, or not more than Two Miles beyond the outer Boundary of such District.

Provision for Coroners already acting in Districts.

VI. And be it enacted, That whenever it shall appear to Her Majesty, with the Advice aforesaid, and shall be set forth in the said Order in Council, that any such County has been customarily divided into Districts for the Purpose of holding Inquests during the Space of Seven Years before the passing of this Act, and it shall seem expedient to Her Majesty, with the Advice aforesaid, that the same Division of the County be made under this Act, each of such Districts shall be assigned to the Coroner usually acting in and for the same District before the passing of this Act; but if it shall appear expedient to Her Majesty, with the Advice aforesaid, that a different Division of such County be made, and any such Coroner shall present a Petition to Her Majesty, praying for Compensation to him for the Loss of his Emoluments arising out of such Change, it shall be lawful for Her Majesty, with the Advice aforesaid, to order the Lord High Treasurer or Commissioners of Her Majesty's Treasury to assess the Amount of Compensation which it shall appear to him or them ought to be awarded to such Coroner, and the Amount of such Compensation shall be paid by the Treasurer of the County to such Coroner, his Executors or Administrators, out of the County Rate.

List of Places in each District to be made.

VII. And be it enacted, That such Justices so assembled as aforesaid shall order a List to be prepared by the Clerk of the Peace for their respective Counties of the several Parishes, Townships, or Hundreds, as the Case may be, in each and every of the several Districts into which the respective Counties shall be divided under the Authority of this Act, specifying in such List the Place within each District at which the Court for the Election of Coroner is to be holden, and also the Place or Places at which the Poll shall be taken, inserting the Parishes, Townships, and Places for each of such Polling Places, and shall cause such Order to be enrolled among the Records of the County.

Detached Parts to form Parts of Counties by which they are surrounded.

VIII. And be it enacted, That all isolated or detached Parts of Counties shall be considered, for the Purposes of this Act, as forming a Part of that County, Riding, or Division respectively whereby such isolated or detached Parts shall or may be wholly surrounded, but if any such isolated or detached Part shall be surrounded by Two or more Counties, Ridings, or Divisions, then

as forming Part of that County, Riding, or Division with which such isolated or detached Part shall have the longest common Boundary.

IX. And be it enacted, That from and after the Time when any County shall have been so as aforesaid divided every Election of a Coroner for any such District shall be held at some Place within the District in which he shall be elected to serve the Office of Coroner; and that every Person to be so elected shall be chosen by a Majority of such Persons residing within such District as shall at the Time of such Election be duly qualified to vote at the Elections of Coroners for the said County.

Election to be held in the District;

who to elect.

X. And be it enacted, That from and after the Division of any Counties as aforesaid into Coroners Districts, upon every Election to be made of any Coroner or Coroners for any County the Sheriff of the County where such Election shall be made shall hold a Court for the same Election at some convenient Place within the District for which the Election of Coroner shall take place, on some Day to be by him appointed, which Day shall not be less than Seven Days nor more than Fourteen Days after the Receipt of the Writ De coronatore eligendo; and in case the said Election be not then determined upon the View, with the Consent of the Electors there present, but that a Poll shall be demanded for Determination thereof, then the said Sheriff, or in his Absence his Under Sheriff, shall adjourn the same Court to Eight of the Clock in the Forenoon of the next Day but one, unless such next Day but one shall be *Saturday* or *Sunday*, and then of the *Monday* following; and the said Sheriff, or in his Absence the Under Sheriff, with such others as shall be deputed by him, shall then and there proceed to take the said Poll in some public Place or Places by the same Sheriff, or his Under Sheriff as aforesaid in his Absence, or others appointed for the taking thereof as aforesaid; and such Polling shall continue for Two Days only, for Eight Hours in each Day; and no Poll shall be kept open later than Four of the Clock in the Afternoon of either of the said Days.

Sheriff to hold a Special County Court for Election of Coroner.

If Election not determined on the View, then to proceed to take a Poll.

Duration of Poll.

XI. And be it enacted, That for more conveniently taking the Poll at all Elections of Coroners under the Authority of this Act the Poll for the Election of the Coroner in each District shall be taken at the Place to be appointed for holding the Court for such Election, and at such other Places within the same District as may for the Time being be appointed by the Quarter Sessions.

Places for taking the Poll at Elections for Coroners.

XII. And be it enacted, That at every contested Election of Coroner for any District of the said County the Sheriff, Under Sheriff, or Sheriff's Deputy shall, if required by or on the Behalf of any Candidate on the Day fixed for the Election, and, if not so required, may, if it shall appear to him expedient, cause a Booth or Booths to be erected for taking the Poll at the Court or principal Place of Election, and also at each of the Polling Places within the District herein-before directed to be used for the Purposes of such Election, and shall cause to be affixed on the most conspicuous Part of each of the said Booths the Names of the several Parishes, Townships, and Places for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such Election in respect of any Property situate in any Parish,

Sheriff may erect Polling Booths for taking the Poll at.

No Voter to poll out of the District where his Property lies.

In case of a Parish not included in any District.

Township, or Place, except at the Booth so allotted for such Parish, Township, or Place, and if no Booth shall be allotted for the same, then at any of the Booths for the same Districts; and in case any Parish, Township, or Place, or Part of any Parish, Township, or Place, shall happen not to be included in any of the Districts, the Votes in respect of Property situate in any Parish, Township, or Place, or any Part of any Parish, Township, or Place, so omitted, shall be taken at the Court or principal Place of Election for such District of the said County.

Poll Clerks to be appointed and sworn.

XIII. And for the more due and orderly proceeding in the said Poll, be it enacted, That the said Sheriff, or in his Absence the Under Sheriff, or such as he shall depute, shall appoint such Number of Clerks as to him shall seem meet and convenient for the taking thereof, which Clerks shall take the said Poll in the Presence of the said Sheriff or his Under Sheriff, or such as he shall depute; and before they begin to take the said Poll every Clerk so appointed shall by the said Sheriff or his Under Sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the Names of each Elector, and the Place of his Residence, and for whom he shall poll, and to poll no Elector who is not sworn, if required to be sworn by the Candidates or either of them; and which Oaths of the said Clerks, the said Sheriff or his Under Sheriff, or such as he shall depute, shall have Authority to administer; and the Sheriff or in his Absence his Under Sheriff, as aforesaid, shall appoint for each Candidate such one Person as shall be nominated to him by each Candidate to be Inspector of every Clerk who shall be appointed for taking the Poll; and every Elector, before he is admitted to poll at the same Election, shall, if required by or on behalf of any Candidate, first take the Oath herein-after mentioned; which Oath the said Sheriff, by himself or his Under Sheriff, or such sworn Clerk by him appointed for taking the said Poll as aforesaid, shall have Authority to administer; (that is to say,)

Inspector of Poll Clerk.

Electors to be sworn.

Oath.

‘ I SWEAR [or, being one of the People called Quakers, or entitled by Law to make Affirmation, solemnly affirm], That I am a Freeholder of the County of _____ and have a Freehold Estate, consisting of _____ lying at _____ within the said County; and that such Freehold Estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my Vote at this Election; and that the Place of my Abode is at _____ [and, if it be a Place consisting of more Streets or Places than One, specifying what Street or Place]; that I am Twenty-one Years of Age, as I believe; and that I have not been before polled at this Election [adding, except in Cases of solemn Affirmations,] So help me GOD.’

Punishment for Perjury.

XIV. And be it enacted, That every Elector or other Person who shall wilfully and falsely take the said Oath or Affirmation hereby appointed to be taken by the Electors as aforesaid shall for every such Offence incur the Penalties by Law inflicted on Persons guilty of Perjury; and every Person who shall unlawfully and corruptly procure or suborn any Freeholder or other Person wilfully and falsely to take the said Oath or Affirmation in order to be polled shall for every such Offence incur such Pains and Penalties

Penalties as are by Law inflicted on Persons guilty of Subornation of Perjury.

XV. And be it enacted, That the Poll Clerks shall, at the Close of the Poll, enclose and seal their several Books, and shall publicly deliver them, so enclosed and sealed, to the Sheriff, Under Sheriff, or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same; and every such Deputy who shall have received any such Poll Books shall forthwith deliver or transmit the same, so enclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll Books unopened until the reassembling of the Court on the Day next but one after the Close of the Poll, unless such next Day but one shall be *Sunday*, and then on the *Monday* following, when he shall openly break the Seals thereon, and cast up the Number of Votes as they appear on the said several Books, and shall openly declare the State of the Poll, and shall make Proclamation of the Person chosen, not later than Two of the Clock in the Afternoon of the said Day.

Custody of Poll Books, and final Declaration of the Poll.

XVI. And be it enacted, That all the reasonable Costs, Charges, and Expences which the said Sheriff, or his Under Sheriff or other Deputy, shall expend or be liable to in and about the providing of Poll Books, Booths, and Clerks (such Clerks to be paid not more than One Guinea each for each Day), for the Purpose of taking the Poll at any such Election, shall be borne and paid by the several Candidates at such Election in equal Proportions.

Expences of Sheriff, &c. to be paid by the Candidates.

XVII. And whereas great Difficulty and Delay is frequently occasioned by the Nonattendance of Jurors and Witnesses summoned to attend the Coroner on taking an Inquest; be it therefore enacted, That if any Person, having been duly summoned as a Juror or Witness to give Evidence upon any Coroner's Inquest, as well of Liberties and Franchises contributing to the County Rates, as of Counties, Cities, and Boroughs, shall not, after being openly called Three Times, appear and serve as such Juror, or appear and give Evidence on such Inquest, every such Coroner shall be empowered to impose such Fine upon every Person so making default as he shall think fit, not exceeding Forty Shillings; and every such Coroner shall make out and sign a Certificate, containing the Name and Surname, the Residence, and Trade or Calling of every such Person so making default, together with the Amount of the Fine imposed and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the County, Riding, Division, or Place in which such Defaulter shall reside, on or before the First Day of the Quarter Session of the Peace then next ensuing, and shall cause a Copy of such Certificate to be served upon the Person so fined, by leaving it at his Residence Twenty-four Hours at the least before the First Day of the said next Quarter Session of the Peace; and every such Clerk of the Peace shall copy the Fine or Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Session of the Peace shall be copied, and the same shall be estreated, levied, and applied in like Manner, and subject to the like Powers, Provisions, and Penalties in all respects, as if such Fine or Fines had been Part of the Fines imposed at such Quarter Session: Provided always, that nothing herein contained shall be construed to affect any Power now by Law vested in the

Coroners may compel Attendance of Jurors and Witnesses.

Coroner to certify Defaulters to the Clerk of the Peace;

who shall enter them on the Roll of Fines.

Proviso.

Coroner for compelling any Person to appear and give Evidence before him on any Inquest or other Proceeding, or for punishing any Person for Contempt of Court in not so appearing and giving Evidence, or otherwise.

Coroner not to act professionally in Prosecutions where he shall have sat as Coroner in the same Case.

XVIII. And be it enacted, That from and after the passing of this Act, in all Cases in which any Person shall be charged by any Coroner's Inquisition with the Commission of any Crime, and shall be subsequently put upon his Trial, either on such Inquisition, or in pursuance of any Bill of Indictment found for the same, the Coroner before whom such Inquisition shall have been found shall be wholly incompetent to act as an Attorney in Prosecution or Defence of such Person for such Crime, either by himself or his Partner (directly or indirectly); and that in all Cases in which it shall appear to the Judge before whom such Person shall be tried that any Coroner shall have so acted contrary to the Provision and Intention of this Act, such Judge shall impose upon every Coroner so offending such Penalty, not exceeding Fifty Pounds, as the said Judge shall in his Discretion think fit.

Jurisdiction of Coroner for a District,

XIX. And be it enacted, That every Coroner elected under the Authority of this Act, although such Coroner may be designated as the Coroner for any particular District of a County, and may be elected by the Electors of such District, and not by the Freeholders of the County at large, shall for all Purposes whatsoever, except as herein-after mentioned, be considered as a Coroner for the whole County, and shall have the same Jurisdiction, Rights, Powers, and Authorities throughout the said County as if he had been elected one of the Coroners of the said County by the Freeholders of the County at large.

Present and future Coroners, except during Illness, &c. of Coroner for another District, &c., to act only in their own Districts.

XX. And be it enacted, That, except as aforesaid, every Coroner for any County, or any District thereof, or his Deputy, after he shall, in pursuance of the Provisions of this Act, have been assigned to or elected by the Electors of any particular District, shall, except during Illness or Incapacity or unavoidable Absence as aforesaid of any Coroner for any other District, or during a Vacancy in the Office of Coroner for any other District, hold Inquests only within the District to or for which he shall have been assigned or elected: Provided always, that the Coroner who shall, by himself or Deputy, hold any Inquest in any other District, save that to which he shall have been assigned or elected as aforesaid, shall, in his Inquisition to be returned on such Inquest, certify the Cause of his Attendance and holding such Inquest; which Certificate shall be conclusive Evidence of the Illness or Incapacity or unavoidable Absence as aforesaid of the Coroner in whose Stead he shall so attend, or of there being a Vacancy in the Office of Coroner for the District in which such Inquest shall be holden.

Coroners to be paid travelling Expenses where Inquisition shall not be taken.

XXI. ' And whereas Doubts have arisen as to the Power of the Justices to order the Payment of Allowances for travelling in any Case where an Inquisition has not been taken, although such Coroner has been compelled to travel from his usual Place of Abode for the Purpose of taking an Inquisition; ' be it therefore enacted, That it shall and may be lawful for the Justices of the Peace in their General or Quarter Sessions assembled for the

County, Riding, Division, or Liberty where such Inquisition would have been taken, or the major Part of them, if they shall see fit, to order the Payment of such Allowances for travelling to any Coroner who shall show, to the Satisfaction of the said Justices, that he had been compelled, in the Discharge of his Office, to travel from his usual Place of Abode for the Purpose of taking an Inquisition, but which, in the Exercise of his Discretion, he deemed to be unnecessary, and declined to take.

XXII. ' And whereas, in Cases where the Sheriff is a Party, or otherwise disqualified to act, and in various other Cases, Writs and Processes in civil Actions and Suits, and also Extents and other Process where the Queen is interested, are frequently directed to and executed by the Coroner in the Place and Stead of the Sheriff, but the Coroner is not in any such Case allowed any Fee or Reward for the Execution of any such Writs, Process, or Extents; ' be it therefore enacted, That in all Cases where any Writ, Process, or Extent whatsoever shall be directed to and executed by any Coroner or Coroners in the Place or Stead of any Sheriff or Sheriffs, such Coroner or Coroners shall have and receive such and the same Poundage Fees or other Compensation or Reward for executing the same as the Sheriff or Sheriffs, if he or they had executed the same, would have been entitled to receive for so doing, and shall also have such and the same Right to retain, and all other Remedies for the Recovery of the same, as the Sheriff or Sheriffs would have had in whose Place and Stead such Coroner or Coroners shall have been substituted; and if the Fees or Compensation payable to the Sheriffs shall at any Time after the passing of this Act be increased by Act of Parliament or otherwise, that in every such Case the Coroner or Coroners shall be entitled to such increased Fees or Compensation.

Coroners to be paid when they act for Sheriffs.

XXIII. ' And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the more convenient holding of Coroners Inquests*, it was enacted, that for the Purpose of holding Coroners Inquests every detached Part of a County, Riding, or Division shall be deemed to be within that County, Riding, or Division by which it is wholly surrounded, or where it is partly surrounded by Two or more Counties, within that one with which it has the longest common Boundary: And whereas as to some such detached Parts of Counties, Ridings, or Divisions there were at the Time of the passing of the last-mentioned Act Coroners appointed expressly for and having Jurisdiction in such detached Parts only, and Doubts have arisen whether such last-mentioned Coroners were superseded by such last-mentioned Act; ' be it therefore enacted, That as to every such detached Part of any County for which at the Time of the passing of the said last-mentioned Act there was a Coroner appointed for and acting in such detached Part such last-mentioned Coroner shall (if now living, and not having resigned, or been removed from his Office otherwise than by the Operation of the said Act,) continue to hold and exercise his former Office and Jurisdiction within such detached Part for so long a Time and in such Manner as such Coroner would have held and exercised the said Office and Jurisdiction if the said last-mentioned Act had not passed.

Coroners for detached Places to continue to hold Inquests. 6 & 7 Vict. c. 12.

XXIV. And

Expences of Inquests occasioned to any County with respect to any detached Part of any other County.

XXIV. And be it enacted, That the Treasurer of every County shall keep an Account of all Expences occasioned to such County by any Inquest in or with respect to any such detached Part of any other County, and shall twice in every Year send a Copy of such Account to the Treasurer of the other County to which such detached Part belongs; and the Treasurer of such other County shall, out of the Monies in his Hands as Treasurer, pay the same to the Order of the Treasurer sending the Account, with all reasonable Charges of making and sending the Account; and in case any Difference shall arise concerning the said Account, and such Difference shall not be adjusted by Agreement, it shall be lawful for either of the Parties to apply to the Justices of Assize of the last preceding Circuit or of the next succeeding Circuit, or to one of such Justices, who shall, by Writing under their or his Hands or Hand, nominate a Barrister at Law, not having any Interest in the Question, to arbitrate between the Parties; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time and require all such further Information to be afforded by either of the Parties as shall appear to him necessary, and shall by his Award in Writing determine the Matters in difference, and his Award shall be final and conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Coroners for particular Places excepted out of this Act.

XXV. And be it enacted, That no Coroner of the Queen's Household and the Verge of the Queen's Palaces, nor any Coroner of the Admiralty, nor any Coroner of the City of London and Borough of *Southwark*, or of any Franchises belonging to the said City, nor any Coroner of any City, Borough, Town, Liberty, or Franchise which is not contributory to the County Rates, or within which such Rates have not been usually assessed, shall be entitled to any Fee, Recompence, or Benefit given or provided for Coroners by this Act; but that it shall be lawful for all such Coroners as are last mentioned to have and receive all such Fees, Salaries, Wages, and Allowances as they were entitled to by Law before the making of this Act, or as shall be given or allowed to them by the Person or Persons by whom they have been or shall be appointed.

Act as to Expences to extend to the Cinque Ports.

XXVI. And be it enacted, That the Provisions of this Act touching the Allowance for the travelling Expences of Coroners shall be deemed and taken to extend to Coroners appointed and acting for the Jurisdiction of the Cinque Ports, any thing hereinbefore contained to the contrary notwithstanding.

To what Places this Act shall not extend.

XXVII. And be it enacted, That nothing in this Act contained touching the Divisions of Counties into Districts, or the Appointment or Election of Coroners, shall extend to the County of *Chester*, or any County Palatine, City, Borough, Town, Liberty, Franchise, Part, or Place the Appointment or Election of Coroner whereof takes place by Law otherwise than under the Writ De coronatore eligendo.

Meaning of "County."

XXVIII. And be it enacted, That in construing this Act the Word "County," shall be taken to mean County, Riding, or Division of a County in and for which a separate Coroner hath been customarily elected; and that in the Counties of *York* and *Lincoln* all

all things herein-before directed to be done by and with respect to the Justices in General or Quarter Sessions assembled, and by their Clerk, shall be done by and with respect to the Justices of the said Counties of *York* and *Lincoln* in General Gaol Sessions assembled, and by their Clerk.

XXIX. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to abridge or affect the Royal Prerogative, or the Authority of the Lord Chancellor, for issuing a Writ De coronatore eligendo, as fully as if this Act had not been passed.

Not to affect the Royal Prerogative.

XXX. And be it enacted, That this Act shall extend only to *England*.

Extent of Act.

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

Act may be amended, &c.

C A P. XCIII.

An Act to enable Barristers appointed to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts. [9th August 1844.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and by another Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to amend the Law concerning Prisons*, Provision was made for the Appointment of Barristers at Law to arbitrate in Cases of Difference concerning certain Accounts and the Amounts of certain Expences therein mentioned: And whereas it is expedient that the Treasurer of the County, the Visiting Justices of the Prison, and the Council of the Borough, or any of them, affected by any Award which may be made by any Barrister under the Authority of either of the said Acts, should be enabled to obtain in a summary Way the Opinion of One of the Superior Courts of Common Law at *Westminster* upon any Point of Law arising out of any of the Matters referred to such Barrister: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Case in which a Barrister at Law shall have been or shall hereafter be named, as in the said recited Acts or either of them is mentioned, to arbitrate between the Parties, such Barrister at Law, upon the Requisition in Writing of the Treasurer of the County, or of the Visiting Justices of the Prison, or of the Town Clerk of the Borough, on behalf of the Council of the Borough who shall be interested in the Decision of such Barrister, shall be empowered, if he shall think fit, before making his Award, to state One or more Special Case or Cases touching any of the Matters referred to such Barrister at Law for the Opinion of such One of the Superior Courts of Common Law at *Westminster* as he shall direct, or to raise in any Award to be at any Time made by him any Question or Questions for the Opinion of such Court; and such

5 & 6 W. 4. c. 76.

5 & 6 Vict. c. 98.

Arbitrating Barrister, upon receiving a Requisition in Writing from Treasurer of the County or the Visiting Justices of the Prison, &c. may state a Special Case touching any Matter referred to him, for the Opinion of a Superior Court.

such Court shall hear and determine the Matter according to the Practice of the Court upon Special Cases, and make such Order as to the Costs, and by and to whom and in what Manner the same shall be paid or borne, as to such Court shall seem meet, and the Decision of the Court shall be binding on such Barrister in making his Award.

In case Barrister die before making his Award another one to be chosen.

II. And be it declared and enacted, That in case any Barrister who shall have been or shall hereafter be named, in pursuance of the said recited Acts or either of them, or of this Act, shall die, or refuse to act, or be disabled from acting, either from ceasing to practise as a Barrister or for any other Reason, before making his Award, the several Parties in the said several Acts mentioned shall be authorized and required to name another Barrister at Law for all the Purposes in the said several Acts mentioned, or any of them, in like Manner as if no Appointment had been made under the same; and the Barrister so newly named shall have the same Authority to decide the Matters in difference as if no other Appointment had been made; and in every such Case in which, before the passing of this Act, a second Barrister has been appointed to settle or determine any Matters in difference, left unsettled or undetermined by the Barrister first appointed for that Purpose, the Appointment of such second Barrister shall be deemed good, and the Barrister so secondly appointed shall be deemed to have and to have had from his Appointment the same Authority as if appointed under this Act.

C A P. XCIV.

An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes.

[9th August 1844.]

6 & 7 Vict. c. 37.

‘ WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to make better Provision for the Spiritual Care of populous Parishes*; and it is expedient to explain and amend certain of the Provisions of the said Act: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That wherever any Right of Patronage of any District or new Parish constituted under the Authority of the said Act, and Nomination of the Minister or Perpetual Curate thereof, shall be assigned to or vested in or may be exercised by Her Majesty, according to or under the Provisions of the same Act, it shall be lawful for Her Majesty to nominate to the Bishop of the Diocese a Spiritual Person to be licensed to such District or new Parish as Minister or Perpetual Curate thereof, as the Case may be, by Warrant under Her Royal Sign Manual; and such Warrant shall be full and sufficient Authority to such Bishop to license such Spiritual Person accordingly.

Crown may nominate Ministers by Warrant under Sign Manual.

Bishop may license, as to any existing Perpetual Curacy.

II. And be it declared and enacted, That wherever any Right of Patronage of any such District or new Parish shall in like Manner be assigned to or vested in or may be exercised by any Bishop, it shall be lawful for such Bishop to license a Spiritual Person

Person to such District or new Parish as Minister or Perpetual Curate thereof, as the Case may be, in the same Manner, *mutatis mutandis*, as he may now by Law license a Spiritual Person to any Perpetual Curacy.

III. Provided always, and be it enacted, That no Fee whatever shall be payable for or in respect of any such Warrant as aforesaid; and that a Fee of One Pound, and no more, shall be receivable by the Secretary of any Bishop for and in respect of each and every Licence granted by such Bishop of a Spiritual Person as Minister or Perpetual Curate of any such District or new Parish as aforesaid, or of any Building licensed by such Bishop within any such District for the Performance of Divine Service pursuant to the Provisions of the said Act; and no further or larger Fee or Gratuity shall be receivable by any Person whomsoever for or in respect of the making, issuing, or granting of any such Licence as aforesaid.

Warrant without Fee.
Fee for Licence.

IV. And be it declared and enacted, That wherever any Incumbent or Patron to whom, according to the Provisions of the said recited Act, it shall be necessary to transmit or deliver the Draft of any Scheme proposed to be laid before Her Majesty in Council, shall be beyond the Seas, it shall be and be deemed to be a sufficient Compliance with such Provisions to leave such Draft, in the Case of an Incumbent, at the House of Residence belonging to his Benefice or Church, or if there be no such House of Residence then at his last usual Place of Abode in *England*, and in the Case of a Patron at his last usual Place of Abode in *England*: Provided always, that in any such Case of an absent Incumbent or Patron such Scheme shall not be laid before Her Majesty in Council until after the Expiration of Two Calendar Months from the Day on which the Draft thereof shall have been so left, unless such Incumbent and Patron shall in the meantime consent to the same.

How Scheme to be served where Incumbent or Patron absent from *England*.

V. And be it declared and enacted, That in the Case of any such Incumbent being an Idiot or Lunatic or of unsound Mind, or of any Benefice or Church being under Sequestration, or of the Duties thereof being performed by a Curate duly appointed in consequence of the Suspension or the reputed Incapacity of the Incumbent thereof, it shall be and be deemed to be a sufficient Compliance with the same Provisions to deliver or transmit the Draft of any such Scheme to the Committee of such Idiot, Lunatic, or Person of unsound Mind, or to the Sequestrator, or to such Curate of such Benefice or Church, as the Case may be; and the Consent of such Committee, Sequestrator, or Curate shall be deemed to be the Consent of the Incumbent, within the Meaning of the said Act.

How where Incumbent incapacitated or Benefice sequestered.

VI. And be it declared and enacted, That in any Case in which the Patronage of any Church or Chapel of any Parish, Chapelry, or District is or shall be vested in and exercised by the Inhabitants generally of such Parish, Chapelry, or District, or by any Body or Class of Persons exceeding Five in Number, it shall be and be deemed to be a sufficient Compliance with the same Provisions to deliver or transmit the Draft of any such Scheme to one of such Patrons, and to the Churchwardens or Chapelwardens of any such Church or Chapel, as the Case may be; and such Churchwardens or Chapelwardens, or one of them, shall thereupon cause

How where Patrons numerous.

cause Notice of the Contents of such Draft to be given to such Patrons, and shall ascertain their Objections, if any, or their Consent to such Scheme, in such Manner as the Ecclesiastical Commissioners for *England* shall direct, and such Churchwardens or Chapelwardens, or one of them, shall communicate the same to the said Commissioners or to the Bishop of the Diocese; and the said Commissioners shall not lay such Scheme before Her Majesty in Council until after the Expiration of Two Calendar Months from the Day on which such Draft shall have been so delivered or transmitted, unless such Consent shall in the meantime be given.

Construction of certain Terms in 6 & 7 Vict. c. 37.

VII. And be it declared and enacted, That in the Construction of the said recited Act the Words "Goods and Chattels" shall be construed to extend to and comprehend all Personal Estate and Property whatsoever; and the Word "Testament" shall be construed to extend to and comprehend any Will or Testamentary Paper whatsoever, including under such Definition the Execution by any such Will, Testament, or Testamentary Paper of any Appointment, in pursuance of any Power, howsoever conferred or acquired.

Original Map or Plan may be registered.

VIII. And be it declared and enacted, That, notwithstanding any thing in the said recited Act contained, it shall be lawful to transmit the original Map or Plan annexed to any Scheme laid before Her Majesty in Council under the Provisions of the said recited Act, to be registered in the Registry of the Diocese, instead of a Copy thereof, as provided by the same Act.

Bounds of Districts may be varied within limited Time.

IX. And be it declared and enacted, That it shall be lawful by the Authority in the said recited Act provided, at any Time or Times within Twelve Months after the Date of the Licence of the Minister first licensed to any separate District constituted under the Provisions of the same Act, to alter the Bounds of such District, although any Alteration be not required with a view to the constituting of another separate District: Provided always, that the Scheme for making any such Alteration shall be subject to all the Provisions in the same Act and in this Act contained relating to Schemes for constituting separate Districts thereunder; and that any Portion of any such separate District which by any such Alteration as aforesaid shall become detached or excluded therefrom shall to all Intents and Purposes again belong to and form Part of the Parish, Chapelry, or District out of which such Portion was taken, upon such separate District being originally constituted, or to and of any new District, as shall be determined by the like Authority.

Until Minister licensed, Cure of Souls not affected.

X. And be it declared and enacted, That in the Case of any District constituted under the Provisions of the said recited Act nothing contained in the Scheme or Order for constituting the same shall in any Manner whatever affect any Parish, Chapelry, or District, as to the Pastoral Superintendence of the Inhabitants thereof or otherwise, until a Minister shall have been duly licensed to such newly constituted District.

Form of Grant or Conveyance.

XI. And be it enacted, That any Grant, Conveyance, or Assurance which shall be made to the said Commissioners by Deed, under the Authority of the said recited Act, of any Lands, Tithes, Tenements, or other Hereditaments, may be made, according to the Form in the Schedule hereunto annexed contained, or as near

thereto as the Circumstances of the Case will admit; and every such Conveyance and Assurance shall be valid and effectual in the Law to all Intents and Purposes.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament. Act may be amended, &c.

SCHEDULE.

I [*or We, or the Corporate Title, if a Corporation*], under the Authority of Acts passed in the Sessions of Parliament held in the Sixth and Seventh and Seventh and Eighth Years of the Reign of Her present Majesty, intituled respectively, "An Act to make better Provision for the Spiritual Care of populous Parishes," and "An Act to explain and amend an Act to make better Provision for the Spiritual Care of populous Parishes," do by these Presents freely and voluntarily, and without any valuable Consideration, give, grant, convey, and assure to the Ecclesiastical Commissioners for England all [*describe the Premises to be conveyed*], and all [*my, or our, or the*] Right, Title, and Interest [*of, if a Corporation,*] to and in the same and every Part thereof, to hold to the said Commissioners and their Successors for the Purpose of [*describe the particular Purpose, being some Purpose within the Provisions of the said Acts, or say, generally,* for the Purposes of the said Acts]. In witness whereof, &c.

C A P. XCV.

An Act to amend an Act of the Ninth Year of King George the Fourth, for the Preservation of the Salmon Fisheries in Scotland. [9th August 1844.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled *An Act for the Preservation of the Salmon Fisheries in Scotland*: And whereas it is expedient to prevent the Destruction of Salmon, or Fish of the Salmon Kind, in the Sea or Shores thereof: And whereas Doubts are entertained of the Provisions of the said Act being applicable to the Sea or Sea Shore: be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person not having a legal Right or Permission from the Proprietor of the Salmon Fishery shall from and after the passing of this Act wilfully take, fish for, or attempt to take, or aid or assist in taking, fishing for, or attempting to take, in or from any River, Stream, Lake, Water, Estuary, Firth, Sea Loch, Creek, Bay, or Shore of the Sea, or in or upon any Part of the Sea, within One Mile of Low-water Mark, in Scotland, any Salmon, Grilse, Sea Trout, Whittling, or other Fish of the Salmon Kind, such Person shall forfeit and pay a Sum not less than Ten Shillings and not exceeding Five Pounds for each and every such Offence, and shall, if the Sheriff or Justices shall think proper, over and above, forfeit each and every Fish so taken, and each and every Boat, Boat Tackle, Net, or other Engine used

9 G. 4. c. 39.

Persons fishing for Salmon within One Mile of the Shore, not having a legal Right or Permission, liable to Penalty.

in

in taking, fishing for, or attempting to take Fish as aforesaid; and it shall be lawful for any Person employed in the Execution of this Act to seize and detain all Fish so taken, and all Boats, Tackle, Nets, and other Engines so used, and to give Information thereof to the Sheriff or any Justice of the Peace, and such Sheriff or Justice may give such Orders concerning the immediate Disposal of the same as may be necessary.

Provisions of recited Act extended to this Act.

II. And be it enacted, That the Regulations as to the Recovery and Application of Penalties and the Apprehension of Offenders, and all other Enactments and Provisions of the said recited Act, shall extend and apply to what is herein above enacted, and this Act shall be construed and applied in the same Manner and in all respects as if it had formed Part of the said recited Act.

Saving Rights of Proprietors.

III. And be it enacted, That nothing herein contained shall be construed as depriving any Proprietor of Salmon Fishery of any Right now by Law vested in such Proprietor to prevent any Person from fishing either within or beyond the Limits specified in this Act.

Saving Rights of the Crown.

IV. And be it enacted, That nothing herein contained shall affect the Rights or Property of the Crown.

C A P. XCVI.

An Act to amend the Law of Insolvency, Bankruptcy, and Execution. [9th August 1844.]

5&6 Vict. c. 116.

‘**W**HEREAS it is expedient to amend an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled ‘*An Act for the Relief of Insolvent Debtors*:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Petition for Protection from Process under the said Act may be presented to any Court or District Court of Bankruptcy within the District of which the Petitioner shall have resided Twelve Calendar Months, without any Notice whatever being given to any Creditor, or in the *London Gazette*, or any Newspaper.

Petition for Protection from Process may be presented to any Court of Bankruptcy without Notice given.

Form of Petition.

II. And be it enacted, That every Petition for Protection from Process presented after the Commencement of this Act to the Court of Bankruptcy, or to any District Court of Bankruptcy, shall be in the Form specified in the Schedule hereunto annexed (A. No. 1.); and such Petition, and the Schedule required by the said recited Act to be annexed thereto, shall be verified by an Affidavit of the Petitioner in the Form specified in the Schedule hereunto annexed (A. No. 2.); and such Affidavit shall be sworn in like Manner as Affidavits in Matters of Bankruptcy may be sworn by any Law now in force relating to Bankrupts, and shall be annexed to such Petition at the Time of filing the same; and if such Petition and Affidavit shall not be in the Form herein prescribed such Petition shall be dismissed.

Petition and Schedule to be verified by Affidavit in the Form specified.

After filing Petition a Notice to be given to

III. And be it enacted, That the Commissioner authorized to act in the Matter of such Petition shall forthwith, after such Petition shall have been filed, cause Notice of the filing of such
Petition

Petition to be given, in such Manner as the Commissioner shall direct, to the Creditors named in the Schedule of the Petitioner, and resident within the United Kingdom, and whose Debts respectively shall amount to the Sum of Five Pounds, and to be inserted in the *London Gazette* and in some Newspaper or Newspapers circulating within the County wherein the Petitioner shall reside, and shall thereby appoint a public Sitting of the Court whenever the Commissioner shall think fit for the first Examination of the Petitioner; and the Commissioner may adjourn such Sitting from Time to Time, and allow the Petitioner to amend his Schedule and correct any Mis-statement therein, at the Discretion of the Commissioner, and the Choice of the Creditors Assignee shall take place at such Sitting, or any Adjournment thereof, and shall be made by the Majority in Number and Value of the Creditors who may attend, by themselves or their Attornies duly authorized by Letters of Attorney in that Behalf, before the Commissioner on such Day; 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, or to remove any Assignee; and upon such Rejection or Removal a new Choice of another Assignee shall be made in like Manner.

IV. And be it enacted, That the Property of the Petitioner shall, for the Purposes of the said recited Act and of this Act, vest in the Assignee or Assignees for the Time being, by virtue of the Appointment of such Assignee or Assignees; and every such Assignee shall be deemed to be an Officer of the Court in which the Petition shall be filed, and shall be liable as such to the Control thereof: Provided always, that the Property of the Petitioner shall in every Case be possessed and received by the Official Assignee alone, save where it shall be otherwise directed by the Commissioner: Provided also, that it shall be lawful for the Lord Chancellor, or the Judges and Commissioners of the Court of Bankruptcy in *London*, or the Majority of them, if authorized so to do by the Lord Chancellor, from Time to Time to make such Orders, Rules, and Regulations for the Security of the Property of the Petitioner as he or they may judge reasonable and proper.

V. And be it enacted, That upon such Petition being filed the Commissioner shall possess the like Power and Authority touching the Seizure of the Property of such Petitioner (except as herein otherwise directed), and also to compel the Attendance of and to examine such Petitioner and his Wife, and every Person known or suspected to have any of the Property of such Petitioner in his Possession, or who is supposed to be indebted to such Petitioner, and every Person whom the Commissioner believes capable of giving any Information concerning the Person, Trade, Business, or Calling, Dealings, or Property of such Petitioner, or any Information material to the full Disclosure of the Dealings of such Petitioner, and to enforce both Obedience to such Examination, and the Production of Books, Deeds, Papers, Writings, and other Documents, as by any Law now in force relating to Bankrupts are possessed by the several Courts authorized to act in the Prosecution of Fiats in Bankruptcy touching the Seizure of Property and the Examination of any Bankrupt or other Person under a Fiat in Bankruptcy.

Creditors, &c., and a public Sitting of the Court appointed for first Examination of Petitioner and Choice of Creditors Assignee.

Commissioner may reject or remove Person so chosen.

Property of Petitioner to vest in Assignees for the Time by virtue of the Appointment.

Upon Petition being filed, Commissioner to have the like Power for Seizure of the Property of the Petitioner, and Examination of him and other Persons, as in Bankruptcy.

Any Prisoner in Execution upon Judgment in an Action for Debt, not being a Trader, or being a Trader whose Debts are less than 500*l.*, may by Petition be protected from Process and from being detained in Prison for any Debt mentioned in his Schedule; and if so detained, Commissioner may order his Discharge.

VI. And be it declared and enacted, That any Prisoner in Execution upon any Judgment obtained in any Action for the Recovery of any Debt, either not being a Trader within the Meaning of the Statutes relating to Bankrupts, or being a Trader within the Meaning of the said Statutes, owing Debts amounting on the whole to less than Three hundred Pounds, may be a Petitioner for Protection from Process; and every such Petitioner to whom an Interim Order for Protection shall have been given shall not only be protected from Process, as provided by the said recited Act, but also from being detained in Prison in Execution upon any Judgment obtained in any Action for the Recovery of any Debt mentioned in his Schedule; and if any such Petitioner, being a Prisoner in Execution, shall be detained in Prison in Execution upon any such Judgment, it shall be lawful for the Commissioner to order any Officer who shall have such Petitioner in Custody by virtue of such Execution to discharge such Petitioner out of Custody as to such Execution, without exacting any Fee, and such Officer shall hereby be indemnified for so doing; and no Sheriff, Gaoler, or other Person whatsoever shall be liable to any Action as for the Escape of any such Prisoner by reason of such his Discharge; and such Petitioner so discharged shall be protected by his Interim Order from all Process for such Time as the Commissioner shall by such Interim Order or any Renewal thereof think fit to appoint, until the making of the Final Order for Protection, in the same Manner as if such Petitioner had not been a Prisoner in Execution: Provided always, that after the Time allowed by any such Interim Order or any Renewal thereof (as the Case may be) shall have elapsed such Petitioner shall not by such Discharge be protected from being again taken in Execution upon such Judgment, but such Judgment shall remain in full Force and Effect notwithstanding such Discharge.

If Petitioner be in Custody, and is not entitled to be discharged, he may be brought up by Warrant.

VII. And be it enacted, That whenever any such Petitioner is a Prisoner under any Process, Attachment, Execution, Commitment, or Sentence, and is not entitled to his Discharge in manner aforesaid, the Commissioner may, by Warrant under his Hand directed to the Person in whose Custody such Petitioner is confined, cause such Petitioner to be brought before him for Examination at any Sitting of the Court, either public or private, and the Expence of bringing such Petitioner shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Commissioner for bringing up such Petitioner.

In case of Death of Petitioner.

VIII. And be it enacted, That if any Petitioner for Protection from Process shall die after the filing of his Petition, the Commissioner may proceed in the Matter of such Petition, for the Discovery and Distribution of his Property, as he might have done if the Petitioner were living.

Wearing Apparel, Bedding, working Tools, &c. of the Value of 20*l.* excepted from the Operation of the Act.

IX. And be it enacted, That the Wearing Apparel, Bedding, and other Necessaries of the Petitioner and his Family, and the working Tools and Implements of the Petitioner, not exceeding in the whole the Value of Twenty Pounds, may be excepted by the Petitioner in his Petition from the Operation of the said recited Act and of this Act, and in such Case shall be altogether excluded from the Operation of the said Acts: Provided always, that such excepted Articles, with the Values thereof respectively, to be ascer-

tained and appraised, if the Commissioner shall think fit, in such Manner as he shall direct, be fully and truly described by the Petitioner in his Schedule, but otherwise the Exception thereof shall be of no Force as to any Part of the same.

X. And be it enacted, That until an Assignee shall be chosen by the Creditors of any Petitioner for Protection from Process the Official Assignee nominated by the Commissioner upon the filing of the Petition of such Petitioner shall be enabled to act, and shall be deemed to be, to all Intents and Purposes, a sole Assignee of the Property of such Petitioner, and, if the Commissioner shall so order, may sell or otherwise dispose of such Property, or any Part thereof, and make such Allowance out of the Property of such Petitioner for the Support of himself and his Family as the Commissioner shall direct; and the Property vested in any Official Assignee alone, or jointly with any Assignee chosen by Creditors under the said recited Act, this Act, or either of them, shall not remain in such Official Assignee alone, or jointly with such Assignee chosen by Creditors, if such Official Assignee shall resign or be removed from his Office, nor in the Heirs, Executors, or Administrators of such Official Assignee, nor in the surviving Assignee alone, in case of the Death of such Official Assignee, but all such Property shall in every such Case go to and be vested in the Successor in Office of such Official Assignee alone, or jointly with the Assignee chosen by the Creditors (if any), as the Case may be; and whenever any such Petition shall have been or shall be dismissed all Sales and Dispositions of Property, and Payments duly made, and all other Acts theretofore done by any Assignee, or any Person or Persons acting under his Authority, or by any Messenger or other Person under the Authority of the Commissioner, according to the Provisions of the said recited Act and of this Act or either of them, shall be good and valid, but the Property of the Petitioner shall otherwise in such Case revert in such Petitioner; provided, however, that no Action or Suit shall be prosecuted or commenced against such Assignee, Messenger, or other Person or Persons acting as aforesaid, except to recover any Property of such Petitioner detained after an Order made by the Commissioner for the Delivery thereof, and Demand made thereupon.

XI. And be it enacted, That all Powers vested in any Petitioner for Protection from Process, whose Estate shall, under the Provisions of the said recited Act, of this Act, or either of them, have been vested in an Assignee or Assignees, which such Petitioner might legally execute for his own Benefit, (except the Right of Nomination to any vacant Ecclesiastical Benefice), shall be hereby vested in such Assignee or Assignees, to be by such Assignee or Assignees executed for the Benefit of the Creditors of such Petitioner under this Act, in such Manner as such Petitioner might have executed the same.

XII. And be it enacted, That in all Cases in which any such Petitioner shall be entitled to any Lease or Agreement for a Lease, and his Assignee or Assignees shall accept the same, and the Benefit thereof, as Part of such Petitioner's Property, the said Petitioner shall not be liable to pay any Rent accruing after the filing of his Petition, nor be in any Manner sued after such Ac-

Official Assignee may act until Creditors Assignee appointed; may sell the Property if Commissioner so order, and make Allowance to Petitioner for his Support.

Property vested in Official Assignee to go to his Successor. If Petition dismissed, all Acts theretofore done according to the Act to be good and valid.

Assignees may execute Powers which the Petitioner might have executed for his own Benefit.

Where Lease accepted by Assignees, the Petitioner not liable for Rent.

Assignees not determining whether to accept the Lease, the Lessor may apply to the Court.

Assignees may sue in their own Names;

may make Composition for Debts;

may submit Differences to Arbitration.

Proviso for Consent of Creditors to Compositions and Arbitrations.

Creditors to vote according to Balance due to them on an Account fairly stated.

ceptance, in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements therein contained: Provided that in all such Cases as aforesaid it shall be lawful for the Lessor or Person agreeing to make such Lease, his Heirs, Executors, Administrators, or Assigns, if the said Assignee or Assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such Lease or Agreement for a Lease, to apply to the Commissioner, praying that he or they may either so accept the same, or deliver up such Lease or Agreement for a Lease, and the Possession of the Premises demised or intended to be demised; and the Commissioner shall thereupon make such Order as in all the Circumstances of the Case shall seem meet and just, and such Order shall be binding on all Parties.

XIII. And be it enacted, That it shall be lawful for the Assignee or Assignees of any such Petitioner, and such Assignee or Assignees shall be hereby empowered, to sue, from Time to Time as there may be Occasion, in his or their own Name or Names, for the Recovery, obtaining, and enforcing of any Property or Rights of such Petitioner, but in trust for the Benefit of the Creditors of such Petitioner, according to the Provisions of the said recited Act and this Act, and to give such Discharge and Discharges to any Person or Persons who shall be respectively indebted to such Petitioner as may be requisite; and to make Compositions with any Debtors or Accountants to such Petitioner, where the same shall appear necessary, and to take such reasonable Part of any such Debts as can upon such Composition be gotten in full Discharge of such Debts and Accounts; and to submit to Arbitration any Difference or Dispute between such Assignee or Assignees and any Person or Persons for or on account or by reason of any Matter, Cause, or Thing relating to the Property of such Petitioner: Provided nevertheless, that no such Composition, or Submission to Arbitration, shall be made, nor any Suit in Equity be commenced, by any such Assignee or Assignees, without the Consent in Writing of the major Part in Value of the Creditors of such Petitioner, who shall meet together pursuant to a Notice of such Meeting, to be published at least Fourteen Days before such Meeting in the *London Gazette*, and also in some Newspaper usually circulated in the Neighbourhood of the Place where such Petitioner had his last usual Residence before the filing of his Petition, nor without the Approbation of the Commissioner.

XIV. And be it enacted, That in all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised in pursuance of or in carrying into effect the said recited Act or this Act, every Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property, and other such available Securities and Liens, shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall, upon Application duly made in that Behalf, be examined into by the Commissioner, who shall have Power to determine the same, and, if it seem fit, to refer the Examination thereof to an Officer of the said Court: Provided always, that the Amount in respect of which any such Creditor shall

shall vote in any such Matter shall not be conclusive of the Amount of his or her Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

XV. And be it enacted, That if any such Petitioner shall at the Time of filing his Petition, or at any Time before such Petitioner shall become entitled to his Final Order according to this Act, have any Government Stocks, Funds, or Annuities, or any of the Stock or Shares of or in any public Company, either in *England, Scotland, or Ireland*, standing in his own Name in his own Right, it shall be lawful for the Commissioner, whenever he shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of such Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid shall be hereby indemnified for all Things done or permitted pursuant to such Order.

XVI. And be it enacted, That whenever any Assignee shall die, resign, or be removed, or a new Assignee shall be duly appointed, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death, Resignation, or Removal, and new Appointment, (if any,) allow the Name or Names of the surviving or new Assignee 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, in the same Manner as if he had originally commenced the same.

XVII. And be it enacted, That if any Petitioner for Protection from Process shall at the Time of filing his Petition, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Petitioner was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Petitioner, so as to become vested in the Assignee or Assignees for the Time being of the Estate and Effects of such Petitioner; provided that no Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the registering of British Vessels*, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

XVIII. And be it enacted, That no Distress for Rent made and levied, after the filing of any Petition for Protection from Process, upon the Goods or Effects of the Petitioner, shall be available for more than One Year's Rent accrued prior to the filing of such Petition, but that the Landlord or Party to whom the Rent shall be due shall and may be a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available, and entitled to all the Provisions made for Creditors by the said recited Act or by this Act.

XIX. And be it enacted, That if the Petitioner shall, before or after the filing of his Petition, in contemplation of his becoming insolvent, or being in insolvent Circumstances, voluntarily convey,

Where the Petitioner is beneficially entitled to Stock, the Commissioner may order a Transfer.

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

Goods in Possession, Order, or Disposition of Petitioner, whereof he was reputed Owner, to be deemed his Property.

3 & 4 W. 4. c. 55.

Distress not to be available for more than One Year's Rent.

Voluntary Preference fraudulent and void as against Assignees.

assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Goods, or Effects whatsoever, to any Creditor or Creditors, or to any Person or Persons in trust for, or to or for the Use, Benefit, or Advantage of any Creditor or Creditors, or to any Person who is or may be liable as Surety for such Petitioner, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over shall be deemed fraudulent and void as against any Assignee or Assignees of the Estate and Effects of such Petitioner appointed under the Provisions of the said recited Act and of this Act, or of either of them: Provided always, that no such Conveyance, Assignment, Transfer, Charge, Delivery, or making over shall be so deemed fraudulent and void if made at any Time prior to Three Months before the filing of the Petition, and not with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering, or making over, of petitioning the Court for Protection from Process.

Proviso.

Provisions of 3 G. 4. c. 39. extended to the Assignees of Insolvent Petitioners.

XX. And be it enacted, That the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, shall extend to the Assignee or Assignees of every Petitioner for Protection from Process whose Estate shall, after the Expiration of Twenty-one Days next after his Execution of such Warrant of Attorney, or giving of such Cognovit actionem as therein mentioned, be vested in an Assignee or Assignees under the Provisions of the said recited Act and of this Act, or of either of them, as if the said Act so intituled as aforesaid had been expressly herein enacted; and every such Warrant of Attorney, and Judgment and Execution thereon, and every such Cognovit actionem, and Judgment entered up thereon, and Execution taken out on such Judgment, as are declared by the said last-mentioned Act to be fraudulent and void against the Assignees mentioned therein, shall be deemed equally fraudulent and void against the Assignee or Assignees of the Estate of such Petitioner, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Petitioner, all the Monies levied and Effects seized under or by virtue of any such Judgment or Execution.

Warrant of Attorney and Cognovit actionem not to be acted upon against Property of Insolvent Petitioner after filing his Petition.

XXI. And be it enacted, That in all Cases where any Petitioner for Protection from Process, whose Estate shall have been vested in an Assignee or Assignees under the Provisions of the said recited Act and of this Act or of either of them, shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the filing of the Petition of such Petitioner, avail himself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, either by Seizure and Sale of the Property of such Petitioner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, or avail himself of such Bill of Sale, but that any Person or Persons to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney

or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under the said recited Act and this Act.

XXII. And be it enacted, That the Final Order to be made under the Provisions of the said Act as amended by this Act shall protect the Person of the Petitioner from being taken or detained under any Process whatever in the Cases herein-after mentioned; (that is to say,) from all Process in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing the Petition from such Petitioner to the several Persons named in his Schedule as Creditors, or as claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Petitioner before the Time of filing such Petition, and which were not then payable, or in respect of the Claims of any other Persons not known to such Petitioner at the Time of making the Final Order, who may be Endorsees or Holders of any negotiable Securities set forth in such Schedule: Provided always, that every such Final Order may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid; and such Final Order shall be in the Form specified in Schedule (A. No. 3.)

Final Order to protect the Person of the Petitioner from Process in respect of the Debts or Sums herein particularly mentioned.

Specification of Debts, &c. not necessary in Final Order.

XXIII. And be it enacted, That if any such Petitioner, being a Prisoner in Execution at the Time of filing his Petition, shall be detained in Prison for any Debt or Claim in respect of which he is protected from Process by his Final Order, it shall be lawful for the Commissioner to order any Officer who shall have such Petitioner in Custody by virtue of such Execution to discharge such Petitioner without exacting any Fee; and such Officer shall be hereby indemnified for so doing.

If protected Prisoner be detained Commissioner may order his Discharge.

XXIV. Provided always, and be it enacted, That if on the Day for the first Examination of the Petitioner, or at any Adjournment thereof, it shall appear to the Commissioner that the Debts of the Petitioner, or any of them, were contracted by any manner of Fraud or Breach of Trust, or by any Prosecution whereby he had been convicted of any Offence, or without having at the Time a reasonable or probable Expectation of being able to pay such Debt or Debts, or that such Debts, or any of them, were contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious suing out a Fiat of Bankruptcy, or malicious Trespass, or that the Petitioner has parted with any of his Property since the presenting of his Petition, the Commissioner shall not be authorized in any such Case to name any Day for making such Final Order, or to renew such Interim Order; and in every such Case wherein any such Petitioner shall have been a Prisoner in Execution, and discharged out of Custody by Order of the Commissioner under the Provision herein in that Behalf contained, such Petitioner shall be remanded by an Order of the Commissioner to his former Custody; but if none of the Matters aforesaid shall so appear, and the Commissioner shall be satisfied that the Petitioner has made a full Discovery of his Estate, Effects, Debts, and Credits, it shall then be lawful for the Commissioner

If it appear to Commissioner that any Debts of the Petitioner were contracted by Fraud or Breach of Trust, &c. no Day to be named for making the Final Order for Protection; but if otherwise, a Notice of such Day to be given.

to cause Notice to be given that on a certain Day, to be named therein, he will proceed to make such Final Order, unless Cause be shown to the contrary.

Sums payable by way of Annuity to be deemed Debts, and the Annuity to be Creditors for the Value thereof.

XXV. And be it enacted, That every Sum of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Securities of any Nature whatsoever, shall be deemed and taken to be Debts within the Meaning of the said recited Act and of this Act: Provided always, that every Person who would be a Creditor of any Petitioner for Protection from Process for such Sum or Sums of Money, if the same were presently due, shall be admissible as a Creditor of such Petitioner for the Value, and no more, of such Sum or Sums of Money so payable as aforesaid, which Value the Commissioner authorized to act in the Matter of the Petition shall, upon Application at any Time made in that Behalf, ascertain, regard being had to the original Price given for such Sum or Sums of Money, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Time of filing such Petition; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by the said recited Act or by this Act, without Prejudice nevertheless to the respective Securities of such Creditor, excepting as respects the Effect of the Final Order which shall be obtained by such Petitioner under the Provisions of the said recited Act and of this Act.

Final Order may extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor, but subject to Taxation.

XXVI. Provided always, and be it enacted, That the Final Order for Protection from Process shall and may extend to all Process issuing from any Court for any Contempt of Court, Ecclesiastical or Civil, for Nonpayment of Money or of Costs or Expences in any such Court; and that in such Case such Final Order shall be deemed to extend also to all Costs which the Petitioner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Final Order as to any Debt or Damages of any Creditor of the Petitioner shall be deemed to extend also to all Costs incurred by such Creditor before the filing of the Petitioner's Schedule in any Action or Suit brought by such Creditor against the Petitioner for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences as aforesaid the Final Order obtained by the Petitioner shall be adjudged to extend shall be deemed and taken to be Creditors of such Petitioner in respect thereof, and entitled to the Benefit of all the Provisions made for Creditors by the said recited Act or by this Act; subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is herein provided in respect of all Claims to a Dividend of such Petitioner's Estate and Effects.

Adjournment of Consideration of Final Order.

XXVII. And be it enacted, That it shall be lawful for the Commissioner, at the Time appointed for making the Final Order for Protection from Process, or at any Adjournment thereof, to adjourn the Consideration of such Final Order *sine Die*.

If Final Order refused or adjourned *sine*

XXVIII. And be it enacted, That if for any of the Causes in that Behalf aforesaid no Day be named for making the Final Order, or if the Consideration of such Final Order be adjourned

and Die, or such Final Order be refused, the Commissioner shall have the Power, after the Expiration of such Time subsequent to the filing of the Petition as, having regard to all the Circumstances of the Insolvency, and the Conduct of the Petitioner as an Insolvent Debtor before and after his Insolvency, the Commissioner shall think just, and after hearing the Petitioner or any of his Creditors, or his or their Counsel or Attornies, to make an Order to protect the Petitioner from being taken or detained under any Process whatever for or in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing his Petition, from the said Petitioner, to the several Persons named in his Schedule as Creditors or as claiming to be Creditors for the same respectively, or for which such Persons should have given Credit to the said Petitioner before the Time of filing his Petition, and which were not then payable, and as to the Claims of all other Persons not known to the said Petitioner at the Time of making such Order, who may be Endorsers or Holders of any negotiable Security set forth in his said Schedule: Provided always, that no Debtor shall be imprisoned on any Process for more than Twelve Calendar Months for any Debt contracted before filing his Petition, in case the Final Order shall be refused or shall not be made, or in case the Protecting Order shall not be renewed.

XXIX. And be it enacted, That if such Petitioner shall be taken or detained under any Process whatever for any Debt or Claim in respect of which he is protected from Process by such Order as last aforesaid it shall be lawful for the Commissioner to order any Officer who shall have such Petitioner so in Custody to discharge such Petitioner therefrom, without exacting any Fee; and such Officer shall be hereby indemnified for so doing.

XXX. ' And whereas it may sometimes happen that a Debt of, or Claim upon, or Balance due from a Petitioner for Protection from Process may be specified in his Schedule so sworn to as aforesaid at an Amount which is not exactly the actual Amount thereof, without any culpable Negligence or Fraud or evil Intention on the Part of such Petitioner; ' be it enacted, That in such Case the Commissioner shall allow the Schedule to be amended in that Behalf; and in every Case in which an Amendment of the Schedule shall be allowed the said Petitioner shall be entitled to every Benefit and Protection of the said recited Act and of this Act; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by the said recited Act and by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and neither more nor less than the same, to all Intents and Purposes, such Error in the said Schedule notwithstanding.

XXXI. And be it enacted, That whenever after an Audit there shall appear to the Commissioner to be in the Hands of the Official Assignee any Balance wherewith a Dividend may be made, Proceedings shall be had forthwith, under the Direction of the Commissioner, for making such Dividend, and also, when it shall appear necessary, for correcting and ascertaining the List of Creditors entitled to receive the same; and Notice of any Sitting of the Court ordered to be held for such ascertaining of Debts, or for an Audit, or for declaring a Dividend thereupon, or for all such

Die, the Court, after the Lapse of such Time as it thinks just, having regard to the Insolvency and the Conduct of the Insolvent, may make an Order to protect him from further Imprisonment in respect of the Debts, &c. mentioned in his Schedule.

Petitioner taken or detained after obtaining such Order may be discharged.

Where Error in Schedule without Fraud, Act to operate upon the actual Amount of Debt.

How Dividend to be made.

Notice of Sittings.

such

such Purposes, shall be given for such Time and in such Manner as the Commissioner shall from Time to Time direct; and such Dividend shall be made amongst the Creditors of the Petitioner whose Debts shall be admitted in his Schedule sworn to by the Petitioner, and amongst such other Creditors (if any) who shall prove their Debts in pursuance of any Order of the Commissioner to be made in that Behalf, in proportion to the Amount of the Debts so admitted, or so admitted and proved, as the Case may be: Provided always, that if the Petitioner, or any Creditor or Assignee, shall object in whole or in part to any Debt tendered to be so proved as aforesaid, or to any Debt mentioned in the Schedule of the Petitioner, or if any Person whose Demand is stated in such Schedule, but is not admitted therein to the Extent of such Demand, shall claim to be admitted as a Creditor for the whole of such Demand, or for more thereof than is so admitted, the said Objections and Claims shall, upon Application duly made, be examined into by the Commissioner, and the Decision of the Commissioner thereupon shall be conclusive with respect to the Title of such Creditor or Creditors to his or their Share of such Dividend: Provided always, that if in any Case it shall appear expedient it shall be lawful at any Time for the Commissioner, by Notice as may be directed in that Behalf, to cause all or any of the Creditors to prove their Debts, in such Manner as the Commissioner shall require, and to decide upon such Debts, and the Right to receive Dividends thereupon, and to do all Things requisite thereto, as aforesaid.

Examination of Objections and Claims.

Commissioner may require Proof of Debts.

Outstanding Debts, &c. may be sold by Order of the Commissioner.

XXXII. And be it enacted, That if at the Expiration of Twelve Calendar Months from the filing of any Petition for Protection from Process there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Petitioner, which cannot, in the Opinion of the Commissioner, be collected and received, without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Commissioner, to sell and assign such Debts and other Property in such Manner as shall be ordered by the Commissioner.

Proceedings not liable to Stamp Duty, nor Sales to Auction Duty.

XXXIII. And be it enacted, That no Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writing whatsoever in the Matter of any Petition for Protection from Process, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by the Direction of any Commissioner of the Court of Bankruptcy relating to any such Matter, shall be liable to or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Petitioner as aforesaid, for the Benefit of his Creditors, under the said recited Act or this Act, shall be liable to any Auction Duty: Provided always, that no such Exemption from Auction Duty shall be allowed unless such Sale shall be conducted by a licensed Auctioneer, and such Auctioneer shall at the Time of passing his Account thereof produce to the Officer of Excise a Catalogue, signed and certified by the Assignees by whose Order such Sale shall have been made, in manner and form required by the Laws of Excise.

Sum to be paid on Prosecution of Petition.

XXXIV. And be it enacted, That under every Petition for Protection from Process after the passing of this Act in the Court

of Bankruptcy in *London*, or in any District Court of Bankruptcy in the Country, there shall be paid by the Official Assignee of the Estate and Effects of the Petitioner, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intitled "The Secretary of Bankrupts Account," a Sum not less than One Eighth of a Pound *per Centum* and not exceeding Five Pounds *per Centum* on the gross Produce from Time to Time of the Petitioner's Estate, such Sum, within the Limit aforesaid, and the Time or Times for Payment thereof, to be fixed by the Lord Chancellor by any general Order for those Purposes, and to be applicable to all the Purposes of the said Account, and to be subject to the like Orders as other Monies directed to be paid in to the said Account; and that it shall be lawful for the Lord Chancellor from Time to Time to lessen or increase such Sum, within the Limit aforesaid, as to the Lord Chancellor may seem just and reasonable, upon Consideration of the Amount from Time to Time standing to the said Account, and of the Claims from Time to Time chargeable thereupon.

XXXV. And be it enacted, That from and after the passing of this Act it shall be lawful for the Commissioner authorized to act in the Matter of any Petition for Protection from Process to direct Remuneration to the Official Assignee for his Services in the Matter of such Petition, in like Manner as in Bankruptcy, but nevertheless so as such Remuneration shall in no Case exceed the Rate of Five Pounds *per Centum* on the Sum received as Produce of the Property of the Petitioner.

Remuneration
to Official
Assignee.

XXXVI. And be it enacted, That no Fee or Gratuity shall be received or taken by the Court of Bankruptcy, or any District Court of Bankruptcy, or any Solicitor, Auctioneer, Broker, Appraiser, Accountant, Messenger, or other Officer of any such Court, for any thing done or to be done in the Matter of any such Petition, of or from any Person whomsoever, except as hereinbefore authorized, and except such Fees as shall at any Time be specified in a List thereof to be signed by the Commissioners of the Court of Bankruptcy authorized to act in the Prosecution of Fiats in Bankruptcy in *London*, or the major Part of them, and such of the Commissioners of the said Court authorized to act in the Prosecution of Fiats in Bankruptcy in the Country as shall be nominated by the Lord Chancellor for that Purpose, and to be approved of by the Lord Chancellor, a Copy of which List shall be exposed to View in every such Court.

Fees.

XXXVII. And be it enacted, That any Petition for Protection from Process, and any Proceeding in the Matter of such Petition purporting to be signed by a Commissioner of the Court of Bankruptcy, or a Copy of such Petition or other Proceeding purporting to be so signed, shall in all Cases be receivable in Evidence of such Proceedings having respectively taken place.

Proceedings,
or Copy thereof,
duly signed,
receivable in
Evidence.

XXXVIII. And be it enacted, That the Rules and Orders made by the Judges and Commissioners of the Court of Bankruptcy under the said recited Act shall extend and be applicable to this Act, except as otherwise provided by this Act: Provided always, that it shall be lawful for the Commissioners of the Court of Bankruptcy acting in *London*, or the major Part of them, and such of the Commissioners of the said Court acting in the Country

Rules and
Orders made
under recited
Act to be ap-
plicable to this
Act.

as shall be nominated by the Lord Chancellor for that Purpose, from Time to Time to alter or vary such Rules and Orders, or to make other Rules and Orders, to be approved of by the Lord Chancellor, for the better carrying into execution the said recited Act, as amended by this Act: Provided also, that any such Rules and Orders may be rescinded or varied as the Lord Chancellor shall direct.

Persons wilfully omitting any thing in Schedule guilty of a Misdemeanor, and liable to Three Years Imprisonment.

XXXIX. And be it enacted, That in case any Petitioner for Protection from Process shall, with Intention to defraud the Creditors of such Petitioner, wilfully and fraudulently omit in his Schedule so sworn to as aforesaid any Property whatsoever, or retain or except out of such Schedule as Wearing Apparel, Bedding, or other Necessaries, or working Tools or Implements, Property of greater Value than Twenty Pounds, every such Person so offending, and any Person aiding and assisting him to do the same, shall, upon being thereof convicted by due Course of Law, be adjudged guilty of a Misdemeanor, and thereupon it shall be lawful for the Court before whom such Offender shall have been so tried and convicted to sentence such Offender to be imprisoned and kept to hard Labour for any Period not exceeding Three Years; and that in every Indictment or Information against any Person for any Offence under this Act it shall be sufficient to set forth the Substance of the Offence charged on the Person offending, without setting forth the Petition, or any Proceeding whatever in the Matter of such Petition, except so much of the Schedule of such Petitioner as may be necessary for the Purpose.

Indictment need only set out Substance of Offence charged.

Wilfully making a false Oath, &c. punishable as Perjury.

XL. And be it enacted, That if any Person who shall make or take any Oath or Affirmation under or in pursuance of the said recited Act or of this Act shall therein be guilty of wilful Falsehood, every such Person, being duly convicted thereof, shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful and corrupt Perjury are or shall be subject.

The Lord Chancellor may issue a Fiat in Bankruptcy against a Trader having filed a Declaration of Insolvency, upon the Petition of the Trader himself.

XLI. And be it enacted, That the Lord Chancellor shall have Power, upon Petition made to him in Writing by any Trader who shall have filed a Declaration of Insolvency in manner and form prescribed by the Statute in that Case made and provided relating to Bankrupts, and upon Payment of the like Sum as is payable upon the granting a Fiat upon the Petition of a Creditor, to be carried to and applicable to the Purposes of the Account in the Bank of *England* intituled "The Secretary of Bankrupts Account," to issue a Fiat in Bankruptcy against such Trader, and to authorize the Prosecution thereof in the Court of Bankruptcy in *London* or in any District Court of Bankruptcy; and that it shall and may be lawful for such Court so authorized as aforesaid, upon the Application of such Trader, and upon Proof of the Trading and of the filing of such Declaration, or upon the Application of any Creditor or Creditors of such Trader to such Amount as by the said Statute required for a Petitioning Creditor's Debt, and upon Proof of the Matters requisite to support a Fiat issued upon the Petition of a Creditor, to make the Adjudication of Bankruptcy under such Fiat, and all further Proceedings under such Fiat shall be thenceforth prosecuted and carried on in like Manner

Manner as if such Fiat had been issued and adjudicated upon on the Petition of a Creditor of the Bankrupt.

XLII. And be it enacted, That it shall be lawful for the Lord Chancellor from Time to Time to attach the several Commissioners of the Court of Bankruptcy appointed to act in the Country to such Districts described by Her Majesty, with the Advice of Her Privy Council, as he shall think fit.

Attaching
Country Com-
missioners to
Districts.

XLIII. And be it enacted, That a Minute of every Petition filed by any Trader under the Provisions of the said recited Act as amended by this Act shall be transmitted to the Lord Chancellor's Secretary of Bankrupts at such Time and in such Manner and Form as the Lord Chancellor shall direct.

Minute of Peti-
tions filed to be
transmitted to
Secretary.

XLIV. ' And whereas it may be expedient that the Courts of Bankruptcy should hold Sittings in some Matters of Bankruptcy, or Petitions for Protection from Process, at some Place or Places at which such Courts have not hitherto been used to sit; be it enacted, That it shall be lawful for the Lord Chancellor, at any Time or Times whenever it shall appear to him under the Circumstances of the Case to be expedient, by any Order or Orders, to give the necessary Directions in that Behalf; and every Commissioner and Deputy Registrar acting under any such Order shall have paid to him his travelling and other Expences, in the same Manner and out of the same Fund as travelling and other Expences are directed to be paid by the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, to any Commissioner or Deputy Registrar acting for or in aid of any Commissioner or Deputy Registrar in Cases provided for by such Act.

Lord Chancellor
authorized to
give necessary
Directions
where Courts
shall sit.

5&6 Vict. c. 122.

XLV. And be it enacted, That from and after the passing of this Act it shall be lawful for the Lord Chancellor to appoint some fit and proper Person, such Person being a Barrister of not less than Five Years standing at the Bar, or who shall have practised as a Pleader for not less than Five Years, or who shall have held the Office of Registrar or Deputy Registrar of the Court of Bankruptcy for not less than Five Years, or an admitted Attorney of One of Her Majesty's Superior Courts at *Westminster*, or of Her Majesty's Court of Bankruptcy, in actual Practice, of not less than Five Years standing on the Roll of such Court or Courts, to be the Taxing Officer of the Court of Bankruptcy, and to be called the Master of the said Court, at such Salary, not exceeding One thousand two hundred Pounds *per Annum*, as the Lord Chancellor shall think fit, and to be entitled to an Annuity not exceeding Two Thirds of such Salary, if and when such Officer shall be affected with some permanent Infirmity disabling him from the due Execution of his Office, such Salary or Annuity, as the Case may be, to be charged upon and paid (without any Deduction except the Tax on Income) out of the same Fund and at the same Times and in like Manner as the Salaries or Annuities, as the Case may be, of the Registrars and Deputy Registrars of the said Court; and as and when any Vacancy shall occur in such Office the same shall be supplied by the Lord Chancellor, by the Appointment of some other fit and proper Person of like Qualifications as aforesaid; and every such Taxing Officer shall hold his Office during his good Behaviour, and shall discharge

Lord Chancellor
empowered to
appoint a Tax-
ing Officer.

Tenure of
Office, Duties,
and Removr'
his

General Pro-
vision as to
Business of
Taxing Officer.

his Duties in Person, except where otherwise provided by this Act, or by any Regulation to be made under this Act, and may be removed from his Office by the Lord Chancellor for Misconduct; and the Business to be transacted by such Taxing Officer, from and after the passing of this Act, shall be the swearing of such Affidavits as may be sworn before any Commissioner, Registrar, or Deputy Registrar of the Court of Bankruptcy, and the taxing of such Costs taxable by any Court of Bankruptcy by virtue of any Statute now or hereafter to be in force as the Lord Chancellor shall from Time to Time by any general or other Order direct, subject to Review of the Court authorized to tax the same; and the Place, Time, and Manner in which the same shall be conducted shall be such as the Lord Chancellor shall by any such Order direct.

Sum to be paid
on the Taxation
of Bills.

XLVI. And be it enacted, That upon the Taxation by virtue of this Act of any Bills of Fees, Charges, or Disbursements there shall be paid to the Master such Sum as the said Master shall decide, not less than One Shilling nor more than the Sum of Ten Shillings, and also Four-pence a Folio, over and above the said Sum of Ten Shillings, for every Folio exceeding Twenty Foliros of such Bill.

Sums received
by Master to be
paid into Bank,
after deducting
such Sum as
Lord Chancellor
thinks fit for
Expences, &c.

XLVII. And be it enacted, That the Sums so directed to be paid to and received by the Master, and also all Fees received by him for swearing Affidavits, shall be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Secretary of Bankrupts Account," after deducting thereout such Sum as the Lord Chancellor shall think fit for the Expences of the said Office; and all Monies to be so paid in to the said Account shall be applicable to all the Purposes of the said Account, and be subject to the like Orders as other Monies directed to be paid in to the said Account.

In case of Sick-
ness or other
reasonable
Cause, the
Duty of the
Master may be
performed by
Deputy.

XLVIII. Provided always, and be it enacted, That if the said Master shall from Sickness or other unavoidable Cause have Occasion to be absent from the Business of his Office for a longer Period than Two Months at any One Time, then and in every such Case it shall be lawful for the Lord Chancellor to give Leave of Absence, by his Order in Writing, to such Master, and, if necessary, to appoint a Deputy in his Place during such Time as shall be expressed in such Order; and the Name of such Deputy, and the Cause and Time of such Absence, shall be stated in such Order; and such Deputy may, if Occasion require it, be changed by the Lord Chancellor; and every Deputy so appointed shall be paid out of the said Fund as the Salary of the said Master is chargeable upon such Remuneration for his Services as the Lord Chancellor shall direct in such Order, not being in any Case less than One Third of the Amount of the Salary of such Master.

Registrars, &c.
who now re-
ceive the Sur-
plus of certain
Fees to be paid
in future solely
by Salary.

XLIX. 'And whereas the Registrars and Deputy Registrars of the Court of Bankruptcy, in addition to their respective Salaries, are entitled to and now receive the Surplus of certain Fees authorized to be taken, and the Payment or partial Payment of such Officers by Fees has been found to be objectionable; be it enacted, That instead of the Salaries and surplus Fees heretofore received

received by such Registrars and Deputy Registrars there shall, from and after the Eleventh Day of *October* next, be paid to them by the Governor and Company of the Bank of *England*, out of the Fund placed to the Credit of the Accountant in Bankruptcy intituled "The Secretary of Bankrupts Account," by virtue of any Order or Orders of the Lord Chancellor to be from Time to Time made for that Purpose, and without any Draft from the Accountant in Bankruptcy, the several Salaries herein-after mentioned; that is to say, the net yearly Sum of One thousand two hundred Pounds to each of the Registrars of the said Court appointed under an Act passed in the Reign of His late Majesty, intituled *An Act to establish a Court in Bankruptcy*, and his Successors in such Office; the net yearly Sum of One thousand Pounds to each Deputy Registrar of the said Court, acting as such in the City of *London*, and his Successors in such Office; and the net yearly Sum of Eight hundred Pounds to each Deputy Registrar of the said Court, acting as such in the Country, and his Successors in such Office; which Salaries shall be free from all Taxes, Deductions, and Abatements whatsoever out of the same or any Part thereof (except the Tax on Income), and shall be paid quarterly, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions; and that if any Person for the Time being 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 receive such proportionable Part of his Salary as shall have accrued during the Time that such Person shall have executed 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.

1 & 2 W. 4. c. 56.

L. And be it enacted, That from and after the Eleventh Day of *October* next all Fees received and taken by or accounted for and paid over to the Chief Registrar of the Court of Bankruptcy shall be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "Interest arising from the Bankruptcy Fund Account," after deducting thereout such Sum as the Lord Chancellor shall think fit for Stationery and other incidental Expences of the Offices of the Chief Registrar and the Court of Review; and that the Salaries and Sums of Money to Clerks, Ushers, and other under Officers of the Court of Bankruptcy heretofore paid by the Chief Registrar out of such Fees shall thenceforth be paid by the Governor and Company of the Bank of *England* out of the Fund standing to such Account, under such Order or Orders as may from Time to Time be made by the Lord Chancellor, but subject and without Prejudice to the Payment of all Salaries and Sums of Money by any Act or Acts now in force directed or authorized to be paid thereout; and that on or before the First Day of *March* One thousand eight hundred and forty-five, if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next

Fees to be accounted for.

next Session of Parliament, there shall be laid before Parliament by the said Chief Registrar a Return, made up to the Thirty-first Day of *December* then last, of the total Amount of all Fees received by or accounted for and paid over to him, and of the Payment over to the Bank of *England* (such Payment over to the Bank of *England* to be certified by the Accountant in Bankruptcy), and that a like Return shall be afterwards made by him annually at the same Period for the Year ending the Thirty-first Day of *December* then last.

Retiring Pension to Registrars.

LI. And be it enacted, That it shall be lawful for the Lord Chancellor, by any Order or Orders to be by him from Time to Time made on a Petition to be presented to him for that Purpose, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Person executing the Office of Chief Registrar, Registrar, or Deputy Registrar of the Court of Bankruptcy, and acting in *London* or in the Country, not exceeding Two Thirds of the yearly Salary which such Person shall under this Act be entitled to at the Time of presenting such Petition, to be paid out of the Interest and Dividends that have arisen or may arise from the Securities now or hereafter to be placed in the Bank of *England* to the Account intituled "The Bankruptcy Fund Account," (but subject and without Prejudice as aforesaid,) if and when such Person shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid by the Governor and Company of the Bank of *England* out of the Interest and Dividends of the said Securities (but subject and without Prejudice as aforesaid) by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, to such Person, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Income.

Compensation to T. A. Warburton for having performed the Duties of Deputy Registrar.

LII. ' And whereas one of the Deputy Registrars of the Court of Bankruptcy has since the Twenty-first Day of *November* One thousand eight hundred and forty-two performed the Duties of Taxing Officer; and during that Period the Duties of Deputy Registrar were discharged by *Thomas Acton Warburton* Esquire, Barrister at Law; ' be it enacted, That out of the Fund placed to the Credit of the Accountant in Bankruptcy, intituled "The Secretary of Bankrupts Account," there shall be paid to the said *Thomas Acton Warburton*, by the Governor and the Company of the Bank of *England*, by virtue of an Order in Writing of the Lord Chancellor, such Sum of Money, not exceeding Eight hundred Pounds, as the Lord Chancellor shall think reasonable.

Court may send a Registrar to take Proof of Debts, &c. where expedient.

LIII. And be it enacted, That the Court authorized to act in the Prosecution of any Fiat in Bankruptcy or any Petition for Protection from Process shall have Power, whenever it shall seem expedient to such Court, to direct a Deputy Registrar of such Court to act in the Prosecution of such Fiat or Petition for Proof of Debts and the Examination of Parties or Witnesses on Oath, or for either of such Purposes, subject to such Rules and Regulations as the Lord Chancellor shall from Time to Time think fit to make in that Behalf; the travelling Expences of such Officer to be settled by
such

such Court, and paid out of the Estate of the Bankrupt or Petitioner, as the Case may be; and such Officer so acting shall have and exercise the Power vested in such Court for Proof of Debts and Examination of Parties or Witnesses, except the Power of Commitment: Provided always, that all such Examinations of Parties or Witnesses shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings under such Fiat or Petition, as the Case may be.

Examinations to be taken down.

LIV. And be it enacted, That from and after the passing of this Act the Deputy Registrars of the Court of Bankruptcy and their Successors, whether acting in *London* or in the Country, shall be called the Registrars of the said Court.

Style of Deputy Registrars of the Court of Bankruptcy.

LV. 'And whereas by an Act which passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of England belonging to Bankrupt Estates, and applying 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 Sub-division Courts*, it is enacted, that the Salaries herein-before provided shall be in lieu of all Fees and Emoluments whatsoever, and that all such Fees and Emoluments, whether for Commission, Brokerage, or otherwise, as are now receivable by the said Accountant General of the Court of Chancery in Matters of Bankruptcy, shall, from and after the Appointment of the said Accountant in Bankruptcy, be received by him and paid into the Bank in the Name of the said last-mentioned Accountant, and be carried to the Credit of the said Account to be intituled "Interest arising from the Bankruptcy Fund Account," and be applicable to all the Purposes of the said Account: And whereas the said Enactment requires Alteration;' be it enacted, That the said Enactment shall be repealed.

Repealing Provisions in 5 & 6 W. 4. c. 29. as to Fees receivable by Accountant in Bankruptcy.

LVI. And be it enacted, That the Salary allowed to the Accountant shall be in lieu of all Fees and Emoluments whatsoever, and that the Accountant shall not, directly or indirectly, receive any Sum either for Commission, Brokerage, or otherwise, but only the Sum expressly allowed to him as his Salary; that from henceforth the Broker shall transact the Brokerage Business of the Accountant's Office upon such Terms as the Accountant and any Two of the Commissioners of the Court of Bankruptcy to be appointed by the Lord Chancellor shall, with the Approbation of the Lord Chancellor, determine; and that the Sum paid to the Broker shall be charged by the Accountant to the Estate for which the Investment or Sale shall be made; and that when such Sum to be paid to the Broker shall be determined it shall be lawful for the Lord Chancellor to direct the Payment or any Part of it to be made from such Time retrospectively and prospectively as to him may seem just.

Salary of Accountant.

LVII. 'And whereas it is expedient to limit the present Power of Arrest upon Final Process;' be it enacted, That from and after the passing of this Act no Person shall be taken or charged in Execution upon any Judgment obtained in any of Her Majesty's Superior Courts, or in any County Court, Court of Requests, or other

Arrest upon Final Process in an Action for Debt not exceeding 20*l.* and Costs abolished.

other Inferior Court, in any Action for the Recovery of any Debt wherein the Sum recovered shall not exceed the Sum of Twenty Pounds, exclusive of the Costs recovered by such Judgment.

Persons in Execution at the Time of passing this Act where the Debt shall not exceed 20*l.* and Costs shall be discharged on Application to a Judge.

LVIII. And be it enacted, That all Persons in Execution at the Time of passing this Act, upon any Judgment obtained in any of the Courts aforesaid in any Action for the Recovery of any Debt wherein the Sum recovered shall not exceed the Sum of Twenty Pounds, exclusive of the Costs recovered by such Judgment, shall and may, upon the Application of every such Person or Persons for that Purpose, made at any Time after the passing of this Act, to a Judge of one of Her Majesty's Superior Courts of Law at *Westminster*, or to the Court in which such Judgment shall have been obtained, to the Satisfaction of such Judge or Court, be forthwith discharged out of Custody as to such Execution by an Order of such Judge or Court: Provided always, that if it shall happen that any such Discharge shall have been unduly or fraudulently obtained upon any false Allegation of Circumstances, which, if true, might have entitled the Prisoner to be discharged by virtue of this Act, such Prisoner shall, upon the same being made to appear to the Satisfaction of the Judge or Court by whose Order such Prisoner shall have been so discharged, be liable to be again taken in Execution, and remanded to his former Custody by an Order of such Judge or Court: Provided also, that no Sheriff, Gaoler, or other Person whatsoever shall be liable as for the Escape of any such Prisoner in respect of his Enlargement during such Time as he shall have been at large by means of such his undue Discharge as aforesaid: Provided also, that, for and notwithstanding the Discharge of any Debtor or Debtors by an Order of any such Judge or Court in manner aforesaid, the Judgment whereupon any such Debtor or Debtors was or were taken or charged in Execution shall nevertheless remain and continue in full Force to the Intent and Purpose that the Judgment Creditor or Creditors may have and take Remedy and Execution upon every such Judgment against the Property and Effects of any such Debtor or Debtors, in such Manner and Form as such Creditor or Creditors otherwise could or might have done in case such Debtor or Debtors had never been taken or charged in Execution upon such Judgment, and it shall be lawful for such Creditor or Creditors to have and take such Remedy and Execution.

Proviso for Discharge fraudulently obtained.

Sheriffs, &c. not liable as for Escape.

Judgment to remain in force notwithstanding the Discharge of the Debtor.

Power of Imprisonment for Fraud.

LIX. Provided always, and be it enacted, That if at any Time it shall appear to the Judge who shall try such Cause, being either a Judge of One of the Superior Courts, or a Barrister or Attorney at Law, that the Defendant, in incurring the Debt or Liability which may be the Subject of Demand, has obtained Credit from the Plaintiff under false Pretences, or with a fraudulent Intent, or has wilfully contracted such Debt or Liability without having at the same Time a reasonable Assurance of being able to pay or discharge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Personal Property, or shall have removed or concealed the same with an Intent to defraud his Creditors or any of them, it shall be lawful for such Judge, if he shall think fit, to order that such Defendant may be taken and detained in Execution upon such Judgment in like Manner and for such Time as he might have been if this Act had not been

passed, or for any Time not exceeding Six Calendar Months in any Case in which the Time for which a Person taken in Execution under Process issuing out of any such Court could lawfully be detained in Custody, according to the Constitution of the said Court, before the passing of this Act, is less than Six Calendar Months, whether or not Execution against the Goods and Chattels of such Defendant shall have issued as herein-after provided.

LX. And be it enacted, That whenever the Judge of any such Court shall have made an Order for the Payment of Money the Amount shall be recoverable, in case of Default or Failure of Payment thereof forthwith, or at the Time or Times and in the Manner thereby directed, by Execution against the Goods and Chattels of the Party against whom such Order shall be made; and the Clerk of the said Court, at the Request of the Party prosecuting such Order, shall issue, under the Seal of the Court, a Writ of Fieri facias, as a Warrant of Execution to One of the Bailiffs of the Court, who by such Warrant shall be empowered to levy, by Distress and Sale of the Goods and Chattels of such Party within the Jurisdiction of the said Court, such Sum of Money as shall be so ordered, and also the Costs of the Execution; and all Constables and other Peace Officers within their several Jurisdictions shall aid in the Execution of every such Warrant.

Execution against the Goods.

LXI. And be it enacted, That if the Judge of any such Court shall have made any Order for Payment of any Sum of Money by Instalments, Execution upon such Order shall not issue against the Party until after Default in Payment of some Instalment according to such Order, and Execution or successive Executions may then issue for the whole of the said Sum of Money and Costs then remaining unpaid, or for each successive Instalment and Costs remaining from Time to Time unpaid as the Judge shall order, either at the Time of making the original Order, or at any subsequent Time, under the Seal of the Court.

Execution not to issue till after Default in Payment of Instalment.

LXII. And be it enacted, That if it shall at any Time appear to the Satisfaction of the Judge of any such Court, by the Oath or Affirmation of any Person, or otherwise, that any Defendant is unable, from Sickness or unavoidable Accident, to pay and discharge the Debt or Damages recovered against him, or any Instalment thereof ordered to be paid as aforesaid, it shall be lawful for the Judge, in his Discretion, to suspend or stay any Judgment, Order, or Execution given, made, or issued in such Action for such Time as the Judge shall think fit, and so from Time to Time until it shall appear, by the like Proof as aforesaid, that such temporary Cause of Disability has ceased.

Power to suspend Execution in certain Cases.

LXIII. And be it enacted, That in or upon every such Warrant of Execution issued against the Goods and Chattels of any Person whomsoever the Clerk of the Court shall cause to be inserted or endorsed the Sum of Money and Costs adjudged, with the increased Costs allowed for such Execution; and if the Party against whom such Execution shall be issued shall, before an actual Sale of the Goods and Chattels, pay or cause to be paid or tendered unto the Clerk of the said Court, or to the Bailiff holding the Warrant of Execution, such Sum of Money and Costs as aforesaid, or such Part thereof as the Person entitled thereto shall agree to accept in full of his Debt or Damages and Costs, together with

Execution to be suspended on Payment of Debt and Costs.

such Fees as shall have been lawfully incurred by him in the Suit on which such Execution issued, the Execution shall be superseded.

Bailiffs made answerable for Neglect to levy.

LXIV. And be it enacted, That in case any Bailiff of any such Court who shall be employed to levy any Execution against Goods and Chattels shall, by wilful or notorious Neglect or Connivance or Omission, lose the Opportunity of levying any such Execution, then, upon Complaint of the Party aggrieved by reason of such Neglect, Connivance, or Omission, (and the Fact alleged being proved to the Satisfaction of the Court out of which Execution issued, on the Oath of any credible Witness,) the Judge shall order such Bailiff to pay such Damages as it shall appear that the Plaintiff has sustained thereby, not exceeding in any Case the Sum of Money for which the said Execution issued, and the Bailiff shall be liable thereto; and upon Demand made thereof, and on his Refusal so to pay and satisfy the same, it may be recovered against him by such Ways and Means as are provided for the Recovery of Debts adjudged in the said Court.

Remedies against Bailiffs and other Officers.

LXV. And be it enacted, That if any Bailiff or Officer of any such Court, acting under colour or pretence of the Process of the said Court, shall be charged with Extortion or Misconduct, or with not duly paying or accounting for any Money levied by him under the Authority of the Court, it shall be lawful for the Judge to inquire into such Matter in a summary Way, and for that Purpose to summon and enforce the Attendance of all necessary Parties in like Manner as the Attendance of Witnesses in any Suit before him may be enforced, and to make such Order thereupon for the Repayment of any Money extorted, or for the due Payment of any Money so levied as aforesaid, and for the Payment of such Damages and Costs, as he shall think just; and in default of Payment of any Money so ordered to be paid the same may be recovered by such Ways and Means as are provided for the Recovery of Debts adjudged in the said Court.

Execution against the Goods to be within the Provisions of 7 & 8 G. 4. c. 17.

LXVI. And be it enacted, That every Sale of Goods which shall be taken in Execution under Process issuing from any such Court for the Recovery of Small Debts shall be taken to be within all the Provisions of an Act passed in the Eighth Year of the Reign of King George the Fourth, intituled *An Act to extend the Provisions of an Act made in the Fifty-seventh Year of King George the Third, for regulating the Costs of certain Distresses.*

Landlord's Lien for Rent restrained.

LXVII. And be it enacted, That no Landlord of any Tenement let at a weekly Rent shall have any Claim or Lien upon any Goods taken in Execution under the Process of any Court of Law for more than Four Weeks Arrears of Rent; and if such Tenement shall be let for any other Term less than a Year the Landlord shall not have any Claim or Lien on such Goods for more than the Arrears of Rent accruing during Four such Terms or Times of Payment.

Claims as to Goods taken in Execution to be adjudicated in Court.

LXVIII. And be it enacted, That if any Claim shall be made to or in respect of any Goods or Chattels taken in Execution under the Process of any Court for the Recovery of Small Debts, or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful for the Clerk of the Court out of which such Execution issued, upon Application of the Officer charged

charged with the Execution of such Process, either before or after any Action brought against such Officer, to issue a Summons calling before the Court out of which such Execution issued both the Party issuing such Process and the Party making such Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts at *Westminster*, or in the Court of Common Pleas at *Lancaster*, or in any local or inferior Court, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons; and the Judge of the Court for the Recovery of Small Debts out of which such Execution issued shall adjudicate upon such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

LXIX. And be it enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party distraining be deemed a Trespasser from the Beginning on account of any Irregularity which shall afterwards be committed by the Party so distraining, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not
unlawful for
Want of Form.

LXX. And be it enacted, That every Person entitled to any Fees or Salary for his Services as a Judge or other Officer of any Court, and every Keeper or other Officer of any Debtors Prison, whose Emoluments shall be diminished under the Operation of this Act, so far as the same relates to or restrains Imprisonment for Debt, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Twelve Calendar Months after the passing of this Act; and it shall be lawful for the said Commissioners, in such Manner as they shall think proper, to inquire what were the lawful Fees and Emoluments of the Claimant or Claimants before the passing of this Act in respect of which such Compensation should be allowed, and how the same have been affected under this Act, by reason of the Decrease of the Number of Causes or otherwise; and the Commissioners in each Case shall take into account the Manner of Appointment of every such Judge, Officer, and Person, and his Term or Interest in his Office or Employment, and all other Circumstances of the Case, and shall award such gross or yearly Sum, and for such Time, as they shall think just to be awarded, upon Consideration of the special Circumstances of each Case, and shall order and direct such Compensation to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Compensation
to Persons
whose Emolu-
ments will be
diminished.

Inquiry into
Amount of
Compensation.

LXXI. And be it enacted, That the Commissioners of Her Majesty's Treasury shall have Power from Time to Time to appoint such and so many Persons to be Commissioners for enabling them to ascertain the Amount of Compensation to be awarded under this Act as to them shall appear fit and necessary; and every such Commissioner shall ascertain the gross and net annual Value, according to a fair Average of Seven Years before the passing of this Act, or, if the Court shall not have been established with its present Jurisdiction for Seven Years, then for the Period during which the Court shall have been established with its present Jurisdiction, of any Fees and Emoluments the Consideration of which shall be referred to him by the said Commissioners of the Treasury, and shall be empowered to inquire into and ascertain as well the Legality as the Amount of such Fees and Emoluments, and the Manner of Appointment of the Person entitled thereto, and his Term or Interest in his Office or Employment, and such other Circumstances of the Case as shall be necessary for ascertaining the Amount of such Compensation.

Appointment
of Assessors of
Inferior Courts.

LXXII. ' And whereas there are divers Courts of Requests and other Inferior Courts for the Recovery of Small Debts not presided over by a Barrister or an Attorney at Law as Judge or Assessor; ' be it enacted, That it shall be lawful for the Commissioners of any such Court, if they shall think fit, with the Approval of One of Her Majesty's Principal Secretaries of State, to appoint any Person, being a Barrister who shall have practised as a Barrister for at least Seven Years then last past, or an Attorney at Law of One of the Superior Courts of Common Law at *Westminster*, or of the Court of Common Pleas at *Lancaster*, who shall have practised as an Attorney for at least Ten Years, to be the Assessor of such Court, and to direct what Fees shall be paid to such Assessor by the Suitors of such Court, not exceeding the Fees in the Schedule marked (B.) hereunto annexed; and it shall be lawful for the said Secretary of State to remove any such Assessor for Incompetence or Misbehaviour: Provided always, that no Assessor so to be appointed shall be deemed to be entitled to any Compensation for the Loss of his Office, or for any Diminution in the Value thereof, by reason of the passing of any general Act for the Recovery of Small Debts.

Construction
of the Act.

LXXIII. And be it enacted, That in construing this Act the Word "Property" shall mean and include all the Real and Personal Estate and Effects of the Petitioner within this Realm and abroad, (except the Wearing Apparel, and such other Articles of the Value in that Behalf aforesaid as may by this Act be excepted from the Operation of the said recited Act and this Act,) and all the future Estate, Right, Title, Interest, and Trust of such Petitioner in or to any Real or Personal Estate and Effects within this Realm or abroad which such Petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him before he shall have obtained the Final Order, and all Debts due or to be due to such Petitioner before he shall have obtained such Final Order; and the Words "Oath" and "Affidavit" shall mean and include Affirmation, where by Law such Affirmation shall be required or may be taken in place of an Oath; and all Powers
given

given to or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and the Word "Judge," as applied to any Court for the Recovery of Small Debts, shall mean and include the County Clerk, Judge, Steward, and Assessor, or the Person holding or presiding in such Court; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; (unless, in the Cases above specified, a different Construction shall be provided, or the Construction be repugnant to the Subject Matter or Context;) and the Provisions of the said recited Act and of this Act shall be construed by Analogy to the Law of Bankruptcy, except where otherwise therein respectively expressed, and in the most beneficial Manner for promoting the Ends intended by the said recited Act and by this Act.

LXXIV. And be it enacted, That nothing herein contained shall be construed to repeal, affect, or in any Manner alter the Provisions of the said recited Act, except so far as herein above expressly provided, or except so far as the Provisions of the said recited Act may be inconsistent with or at variance with the Provisions of this Act.

Recited Act
not to be affected,
except as
herein provided.

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

Act may be
altered, &c.

SCHEDULE.

(A. No. 1.)

Form of Petition for Protection from Process.

To the Court of Bankruptcy, London,

or

To the District Court of Bankruptcy.

The humble Petition of _____

Insert at full Length the Name, Address, and Quality of the Petitioner, and also the Description of the Trade or Business or (if more than One) Trades or Businesses which he carries or has carried on during his Twelve Months Residence within the District of the Court.

Showeth, That your Petitioner is not a Trader within the Meaning of the Statutes now in force relating to Bankrupts.

If a Trader, strike out the Word "not," and add after the Word "Bankrupts" the Words "but owing Debts amounting in the whole to less than 300l."

That your Petitioner has resided Twelve Calendar Months within the District of this Honourable Court; that is to say,

Insert the Places and
Periods of Residence.

That your Petitioner has become indebted to divers Creditors, whose Names are inserted in the Schedule (A.) [*or, as the Case may be,*] to this his Petition annexed, and that he is unable to pay his Debts in full.

That your Petitioner has examined the said Schedule, and that such Schedule contains a full and true Account of your Petitioner's Debts, and the Claims against him, with the Names of his Creditors and Claimants, and the Dates of contracting the Debts and Claims severally, as nearly as such Dates can be stated, the Nature of the Debts and Claims, and Securities (if any) given for the same, and that there is reasonable Ground in his Belief for disputing so much of the Debts as are thereby mentioned as disputed, and also a true Account of the Nature and Amount of his Property, and an Inventory of the same, and of the Debts owing to him, with their Dates, as nearly as such Dates can be stated, and the Names of his Debtors, and the Nature of the Securities (if any) which he has for such Debts; and that the said Schedule doth also contain a Balance Sheet of so much of his Receipts and Expenditures as is required by this Honourable Court in that Behalf, and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of your Petitioner and his Family, and his working Tools and Implements.

That your Petitioner has not parted with or charged any of his Property (except for the necessary Support of himself and his Family, and the necessary Expences (not exceeding £) of this his Petition, or in the ordinary Course of Trade), at any Time within Three Months of the Date of filing this his Petition, or at any Time with a view to this Petition.

That your Petitioner is desirous that his Estate should be administered under the Protection and Direction of this Honourable Court, and that he verily believes such Estate is of the Value of £ at the least unincumbered, and beyond the Value of his Wearing Apparel, and other Matter which your Petitioner is authorized to except by this Act, and that the same is available for the Benefit of his Creditors.

* Omit this Paragraph if
no special Proposal.

* That your Petitioner submits to this Honourable Court the Proposal for the Payment of his Debts contained in the said Schedule.

That your Petitioner is ready and willing to be examined from Time to Time touching his Estate and Effects, and to make a full and true Disclosure and Discovery of the same.

Your Petitioner, therefore, prays such Relief in the Premises as by the Statutes now in force for the Relief of Insolvent Debtors may be adjudged by this Honourable Court.

And your Petitioner shall ever pray, &c. &c.

Signed by the said Petitioner on the Day
of 184 in the Presence of
of Attorney or Agent in the
Matter of the said Petition.

(A. No. 2.)

Affidavit verifying Petition and Schedule.

In the Court of Bankruptcy, London,

or

In the District Court of Bankruptcy.

A.B. of the Petitioner named in the Petition hereunto annexed [*if the Petitioner affirm, alter accordingly*], maketh Oath and saith, That the several Allegations in the said Petition, and the several Matters contained in the Schedule hereunto annexed, are true.

Sworn, &c.

(A. No. 3.)

Final Order for Protection from Process.

In the Court of Bankruptcy, London,

or

In the District Court of Bankruptcy.

In the Matter of the Petition of of in the of an Insolvent Debtor, and not being a Trader within the Meaning of the Statutes now in force relating to Bankrupts [*or and being a Trader within the Meaning of the Statutes now in force relating to Bankrupts, but owing Debts amounting in the whole to less than Three hundred Pounds*].

BE it remembered, That the said having presented his Petition for Protection from Process to this Honourable Court, and such Petition having been duly filed in Court, and the said Petitioner having duly appeared, and been examined touching his Debts, Estate, and Effects, and it appearing to the undersigned Commissioner that the said by virtue of the Statutes in that Case made and provided, is entitled to the Protection of his Person from being taken or detained under any Process whatever in respect of the several Debts and Claims herein-after mentioned, a Final Order is hereby made to protect the Person of the said from being taken or detained under any Process whatever in respect of the several Debts and Sums of Money due or claimed to be due at the Time of filing his Petition from the said Petitioner to the several Persons named in his Schedule as Creditors or as claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to the said Petitioner before the Time of filing his Petition, and which were not then payable, and as to the Claims of all other Persons not known to the said Petitioner at the Time of making this Order, who may be Endorsers or Holders of any negotiable Security set forth in his said Schedule: And it is hereby directed that the Proposal of the said Petitioner, set forth in his Petition, for the Payment of his Debts, be carried into effect in the following Manner; that is to say,

Given under my Hand, this
(Signed)

of 184 .

Commissioner.

SCHEDULE (B.)

<i>Assessor's Fees.</i>	<i>s. d.</i>
For every Summons - - -	- 1 0
For every Hearing or Trial - - -	- 2 6
For every Order, Decree, or Judgment - - -	- 1 0

C A P. XCVII.

An Act for the more effectual Application of Charitable Donations and Bequests in *Ireland*. [9th August 1844.]

‘ **W**HEREAS it is expedient that the pious Intentions of charitable Persons should not be defeated by the concealment and Misapplication of their Donations and Bequests to public and private Charities in *Ireland*: And whereas the Provisions of the Act passed by the Parliament of *Ireland* in the Third Year of His late Majesty King *George the Third*, intituled *An Act for the better Discovery of Charitable Donations and Bequests*, and of the Act passed by the Parliament of *Ireland* in the Fortieth Year of the Reign of His said late Majesty King *George the Third*, intituled *An Act to amend an Act passed in the Third Year of His present Majesty King George the Third*, intituled “*An Act for the better Discovery of Charitable Donations and Bequests*,” have been found insufficient for such Purposes; and it is expedient and necessary that Provision should be made for the better Management of such Charitable Donations and Bequests as have been heretofore made, and such as hereafter may be made:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the Authority of the same, That from and after the Commencement of this Act the herein-before recited Acts shall be repealed, save as to any thing done at any Time before the Commencement of this Act, all which shall be and remain good to all Intents and Purposes whatsoever as if this Act had not passed.

Recited Acts repealed, save as to any thing done before Commencement of this Act.

Commissioners of Charitable Donations and Bequests for *Ireland* appointed.

II. And be it enacted, That the Master of the Rolls in the High Court of Chancery of *Ireland* for the Time being, the Chief Baron of the Court of Exchequer in *Ireland* for the Time being, and the Judge of Her Majesty’s Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout *Ireland* for the Time being, together with Ten other proper and discreet Persons, to be from Time to Time appointed by Her Majesty in Council, by Warrant under the Sign Manual, of which Ten Persons Five and not more than Five shall at all Times be Persons professing the Roman Catholic Religion, shall be One Body Politic and Corporate, by the Name of “The Commissioners of Charitable Donations and Bequests for *Ireland*,” and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued.

III. And be it enacted, That the said Commissioners shall be at all Times removable by Her Majesty in Council, by Warrant under the Sign Manual; and that whenever, by Death, Resignation, Removal or otherwise, any Person shall cease to be a Commissioner

Removal and Appointment of such Commissioners.

Commissioner under this Act, it shall be lawful for Her Majesty, by Warrant as aforesaid, to appoint One other Person instead of the Person so ceasing to be such Commissioner; and every Appointment of the said Commissioners and their Successors shall be published in the *Dublin Gazette*.

IV. And be it enacted, That all Things which the said Commissioners are by this Act authorized to do may be done by any Five of such Commissioners: Provided 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.

How many Commissioners may act.

V. And be it enacted, That at each Meeting of the said Commissioners the said Master of the Rolls, or in his Absence the said Chief Baron of the Court of Exchequer, or in his Absence the said Judge of the Prerogative Court, if present, and, in the Absence of all, the senior Commissioner in the Order of Appointment, shall preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but, in case of the Equality of Votes, shall have also the casting or decisive Vote.

Chairman of Commissioners

VI. Provided always, and be it enacted, That the Consideration of all Charitable Donations and Bequests, and of Matters relating to them, in which any Question shall arise before the said Commissioners concerning the Usages or Discipline of the United Church of *England* and *Ireland*, or of any Body of Protestant Nonconformists, shall be referred to a Committee of the said Commissioners consisting of those Commissioners who are Protestants; and that the Consideration of all Charitable Donations and Bequests, and of Matters relating to them, in which any Question shall arise before the said Commissioners, concerning the Usages or Discipline of the Church of *Rome*, shall be referred to a Committee of the said Commissioners consisting of those Commissioners who profess the Roman Catholic Religion; and that whenever, by reason of Reference to or Intendment of any Usage of any such Church or Body, or any District or Division, in use according to the Discipline of any such Church or Body, the Object of the Donation, Devise, or Bequest shall not be defined with legal Certainty in the Deed or Will creating the Trust, the Committee to which the same shall be referred shall certify to the Commissioners who is, according to the Uses and Intendment of such Church or Body, the Person for the Time being intended to take the Benefit of such Donation, Devise, or Bequest, or other particular Facts concerning the Usages or Discipline of such Church or Body necessary to be known, for the due Administration of the Trust, according to the true Intent and Meaning of the Donor; and the Commissioners shall receive every such Certificate as Evidence of the Facts certified, and shall give Effect to such Donation, Devise, or Bequest accordingly, so far as the same may be lawfully executed according to the Provisions of this Act: Provided always, that nothing herein contained shall be construed to limit or affect the Jurisdiction of any Court of Law or Equity.

Religious Questions to be referred to Committees.

VII. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governors of *Ireland*, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to appoint during his Pleasure a Secretary

Appointment of Officers.

Secretary or Secretaries to the said Commissioners, and also such Officers, Clerks, and Servants as may be necessary for the Purposes of this Act; and the said Commissioners of Her Majesty's Treasury shall fix the Salary or Salaries of the said Secretary or Secretaries, Officers, Clerks, and Servants in fit Proportion, according to the Duties which they from Time to Time may have to perform.

Salaries and
Expences.

VIII. And be it enacted, That the Salaries of the said Secretaries, Officers, Clerks, and Servants, and also the necessary Expences of carrying on the Business of the said Commissioners of Charitable Donations and Bequests for *Ireland*, not herein otherwise provided for, shall be paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Minutes of
Proceedings
to be kept.

IX. And be it enacted, That one of the Secretaries, or some other Officer of the said Commissioners, shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and shall keep a Book, in which he shall enter a fair Copy of such Minutes, and the Names of the Commissioners present; and the fair Copy of the Minutes of the Proceedings of each Meeting shall be read at the next Meeting of the Commissioners, and if approved as correct shall be signed by the Chairman of the Meeting at which they shall be so read.

Commissioners
to report.

X. And be it enacted, That the Commissioners shall, once at least in every Year, and also whenever Her Majesty's Pleasure shall be signified to them in that Behalf, report to Her Majesty their Proceedings under this Act; and a Copy of every such Report shall be communicated to both Houses of Parliament within Six Weeks after the same shall be made, if Parliament be then sitting, or if not then within Six Weeks next after the next Meeting of Parliament.

Property, &c.
belonging to
Body Corporate
created by
recited Act
40 G. S. (I.)
vested in Com-
missioners
under this Act.

XI. And be it enacted, That from and after the first Publication in the *Dublin Gazette* of the Appointment of the Commissioners of Charitable Donations and Bequests for *Ireland* under this Act the Property, Estate, and Effects, Rights, Claims, Titles, and Possessions, of what Nature or Kind soever, of or belonging or which of Right ought to belong to the said Body Politic and Corporate created by the said recited Act of the Fortieth Year of King *George the Third*, and vested in the said Body by virtue of the said Act or otherwise, shall vest in and devolve upon the Commissioners of Charitable Donations and Bequests for *Ireland* created by this Act, subject to such Trusts and Conditions, Liabilities, Contracts, and Engagements, as the same shall then be subject and liable to.

Commissioners
may sue for
Recovery of
Charitable
Donations, &c.
withheld, &c.

XII. And be it enacted, That the said Commissioners of Charitable Donations and Bequests for *Ireland* may sue for the Recovery of every Charitable Donation, Devise, or Bequest intended to be applied in *Ireland*, which shall be withheld, concealed, or misapplied, and shall apply the same, when recovered, to charitable and pious Uses, according to the Intention of the Donor or Donors; and the said Commissioners shall be empowered to deduct out of all such Charitable Donations, Devises, and Bequests as they shall recover all the Costs, Charges, and Expences which they shall be put to in the suing for and Recovery of the same: Provided always,

that

that no Information shall be filed, or Petition presented, or other Proceeding at Law or in Equity undertaken or prosecuted, by the said Commissioners, until the same shall be submitted to and allowed by Her Majesty's Attorney or Solicitor General for *Ireland*, and such Allowance certified by him.

XIII. And be it enacted, That no Action or Suit at Law or in Equity shall be abated by the Dissolution of the said Corporation created by the said Act of the Fortieth Year of the Reign of King *George* the Third, but that the Court in which any Action or Suit shall be depending at the Time of the Commencement of this Act may, if such Court shall so think fit, upon the Application of any Party to the said Action or Suit, allow the Name of the Commissioners of Charitable Donations and Bequests for *Ireland* incorporated by this Act to be substituted in the Place of the said Commissioners created by the said Statute of the Fortieth of *George* the Third, and such Action or Suit may be prosecuted and defended in the same Manner as if the same had been originally instituted by or against the said Commissioners incorporated by this Act.

XIV. And be it enacted, That no Sum shall be paid by the said Commissioners of Charitable Donations and Bequests for *Ireland* 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 Commissioners of Her Majesty's Treasury; and before any such Sum shall be allowed by the said Commissioners of the Treasury on such Account as aforesaid, the Particulars of all such Costs, Charges, and Expences shall be laid before them.

XV. And be it enacted, That every Person or Body Corporate having in his, her, or their own Right any Estate or Interest, in possession, reversion, or remainder, of or in any Lands, Tenements, or Hereditaments, or any Property of or in any Goods or Chattels, shall have full Power, at his, her, and their Will and Pleasure, by Deed duly executed, and attested by Two credible Witnesses, or by his or her last Will in Writing, duly executed according to Law, to give and grant to and vest in the said Commissioners of Charitable Donations and Bequests for *Ireland*, and their Successors, all such his, her, or their Estate, Interest, or Property in such Lands, Tenements, Hereditaments, Goods, and Chattels, or any Part or Parts thereof, in trust for building, enlarging, upholding, or furnishing any Chapel or Place of Religious Worship of Persons professing the Roman Catholic Religion, or in trust for any Archbishop or Bishop or other Person in Holy Orders of the Church of *Rome* officiating in any District, or having pastoral Superintendence of any Congregation of Persons professing the Roman Catholic Religion, and for those who shall from Time to Time so officiate or shall succeed to the same pastoral Superintendence, or for building a Residence for his and their Use; and such Estate, Interest, or Property in such Lands, Tenements, or other Hereditaments, Goods, and Chattels, shall vest in and be holden by the said Commissioners, subject to the Trusts of such Deed and Will respectively, without any Writ or Licence other than this Act: Provided always, that nothing herein contained shall be construed to render lawful any Donation,

Proceedings to be first submitted to Attorney or Solicitor General.

Actions not abated by Dissolution of Corporation created by 40 G. 3., but same may be prosecuted by Commissioners under this Act.

Commissioners not to pay Costs to Attornies, &c. unless Amount approved by the Treasury.

Persons or Bodies may by Deed vest Lands, &c. in the Commissioners, in trust for Roman Catholic Ministers in *Ireland*.

tion, Devise, or Bequest to or in favour of any Religious Order, Community, or Society of the Church of *Rome* bound by Monastic or Religious Vows prohibited by an Act passed in the Tenth Year of the Reign of King *George* the Fourth, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*, or to or in favour of any Member or Members thereof.

10 G. 4. c. 7.

Deeds to be registered.

XVI. And be it enacted, That after the Commencement of this Act no Donation, Devise, or Bequest for pious or charitable Uses in *Ireland* shall be valid to create or convey any Estate in Lands, Tenements, or Hereditaments for such Uses, unless the Deed, Will, or other Instrument containing the same shall be duly executed Three Calendar Months at the least before the Death of the Person executing the same, and unless every such Deed or Instrument, not being a Will, shall be duly registered in the Office for registering Deeds in the City of *Dublin* within Three Calendar Months after the Execution thereof.

Archbishops, &c. not to alien or demise Lands, &c. enjoyed by them under this Act.

XVII. And be it enacted, That it shall not be lawful for any such Archbishop, Bishop, or Person in Holy Orders of the Church of *Rome* to alien, set, let, or in any Manner demise for any Period whatever such Lands, Tenements, or Hereditaments, or any Part thereof, or in any Manner whatever to charge or incur the same, or any Property enjoyed by him under this Act, but that all Charges and Incumbrances upon such Lands, Tenements, and Hereditaments, or other Property, and all Conveyances, Gifts, Grants, Demises, or Sub-demises of the same or any Part thereof, made or to be made by any such Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome*, shall be absolutely void: Provided always, that it shall and may be lawful for the said Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome* to execute such Leases as herein-after are mentioned.

Commissioners of Charitable Donations, &c. may lease said Lands, &c. with Consent of Archbishop, &c. of Church of *Rome*.

XVIII. And be it enacted, That it shall and may be lawful for the said Commissioners of Charitable Donations and Bequests for *Ireland*, from Time to Time, by Deed under the Common Seal of the said Commissioners, to demise or lease the said Lands, Tenements, or Hereditaments, or any Part thereof, by and with the Consent of the said Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome*, or those who respectively shall succeed them as aforesaid, testified by his or their being a Party to and executing such Lease, for any Term not exceeding Twenty-one Years, unless on Building Lease, in which Case such Lease may be granted for any Term not exceeding One hundred Years: Provided always, that the said Lease shall take effect in possession, and not in reversion or by way of future Interest, and that there be made payable during the Estate or Interest thereby created the best yearly Rent that can be reasonably obtained for the same, without any Fine, Premium, or Foregift for the making thereof being paid or payable to the said Commissioners, or to the said Archbishop, Bishop, or other Person in Holy Orders of the Church of *Rome*; and provided that there be contained in every such Demise or Lease a Covenant for the Payment of the Rent thereby reserved, and a Condition for Re-entry on Nonpayment of the Rent or any Part thereof for Twenty-one Days next after the same shall become due, and so that the Lessee or Lessees therein

therein named do execute a Counterpart of the said Demise or Lease, and be not in any Manner made dispunishable for committing Waste.

XIX. And be it enacted, That from and after the Commencement of this Act the Vicar General or his Surrogate, and the Registrar of the Prerogative Court, shall make a Return upon Oath to the Commissioners of Charitable Donations and Bequests for *Ireland*, between the First Day of *July* and the First Day of *November* in every Year, of every charitable Devise or Bequest contained in any Will which shall be entered in the Office of such Vicar General, Surrogate, or Registrar, which Return shall likewise contain the Name of the Testator, the Name or Names of the Person or Persons to whom Probate of any such Will, or Letters of Administration with such Will annexed, shall be granted, with the Date of such Will, Probate, or Administration; which Return shall be lodged with one of the Secretaries of the said Commissioners; and every such Officer as aforesaid who shall neglect to make such Return as aforesaid shall forfeit the Sum of Five Pounds Sterling, to be recovered by any Person who shall sue for the same by Civil Bill; and the Person or Persons to whom the Probate of any such Will or Letters of Administration as aforesaid shall be granted shall, within Three Calendar Months next after obtaining the same, publish in the *Dublin Gazette*, Three Times successively, every Charitable Devise or Bequest contained in such Will, the Name of the Testator and Date of such Will or Codicil, and the Name of the Person or Persons to whom such Charitable Devise or Bequest is given and bequeathed, and the Name of the Person or Persons appointed by the Testator for the Management and Direction thereof; and the Expence of such Publication shall be paid by the said Executors or Administrators out of the said respective Charities; and every such Person or Persons who shall neglect to publish the same in manner herein required shall forfeit for every such Neglect the Sum of Five Pounds Sterling, to be recovered by any Person who shall sue for the same, by any Action of Debt, Bill, Complaint, or Information, in any of Her Majesty's Courts of Record.

XX. And be it enacted, That the Accounts of the said Commissioners of the Sums passing through their Hands arising from Charitable Donations and Bequests shall, from and after the Commencement of this Act, be from Time to Time audited and declared by the Chief Remembrancer or Second Remembrancer of the Court of Exchequer in *Ireland*; and that the said Commissioners of Charitable Donations and Bequests in *Ireland* shall cause the said Accounts to be made out in such Form as the said Chief or Second Remembrancer shall direct, and shall send the same to him, with proper Vouchers for their Receipts and Payments; and the said Chief Remembrancer or Second Remembrancer, after examining each Account rendered to him as aforesaid, with the Documents annexed thereto, shall settle and declare the same, and shall lodge such Account, when so settled and declared, with the Clerks of Her Majesty's Privy Council in *Ireland*, who shall send one Copy thereof to the said Commissioners of Charitable Donations and Bequests for *Ireland*, and keep one other Copy thereof in the Privy Council Office in *Ireland*.

Vicar General and Registrar of Prerogative Court to make Return to Commissioners of Charitable Donations, &c. of every Charitable Donation contained in any Will entered in the Office of such Vicar General, &c.

Accounts of the Commissioners to be audited by Chief or Second Remembrancer of the Exchequer in *Ireland*;

XXI. And

who may examine Persons on Oath respecting such Accounts.

XXI. And be it enacted, That it shall be lawful for the said Chief Remembrancer or Second Remembrancer to call before him and examine on Oath any Person whom he may deem it necessary to examine on the Matter of such Accounts; and every Person who on such Examination on Oath shall wilfully make any false Statement shall be deemed guilty of Perjury.

Commencement of Act.

XXII. And be it enacted, That this Act shall commence from and after the First Day of *January* One thousand eight hundred and forty-five; and that nothing herein contained shall be taken to avoid or render unlawful any Donation, Devise, or Bequest which but for this Act would be lawful, except as to the Time within which the Deed, Will, or Instrument containing such Donation, Devise, or Bequest for pious or charitable Uses is herein-before required to be executed and registered.

Act may be amended, &c.

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

C A P. XCVIII.

An Act to enable the Commissioners of Public Works in *Ireland* to accept a certain Sum of Money in satisfaction of their Mortgage on the Branch Canals communicating with the Grand Canal in *Ireland*. [9th August 1844.]

WHEREAS the late Commissioners for the Loan of Public Money in *Ireland* did, in pursuance of the Powers vested in them, lend to the Company of Undertakers of the Grand Canal in *Ireland* the Sum of Forty-seven thousand one hundred and eight Pounds Thirteen Shillings and Three-pence, for the Employment of the Poor, by making a Branch Canal from the River *Shannon* near *Banagher* in the *King's County* to the Town of *Ballinasloe* in the County of *Galway*, communicating with the said Grand Canal by the River *Shannon*, upon a Mortgage of the Lands taken for the said Branch Canal, and of the expected Rates, Rents, Tolls, and Profits to be derived from the said Branch Canal: And whereas the said Commissioners did also lend to the said Company the further Sum of Thirty-three thousand four hundred and sixteen Pounds Six Shillings and Three-pence, for the Employment of the Poor, by making another Branch Canal from the Town of *Monasterevan* in the County of *Kildare* to the Town of *Mountmellick* in the *Queen's County*, communicating with the said Grand Canal, upon a like Mortgage of the Lands taken for the last-mentioned Branch, and also of the expected Rates, Rents, Tolls, and Profits of the said last-mentioned Branch Canal: And whereas the said Commissioners did also lend to the said Company the further Sum of Eighteen thousand Pounds, for the Purpose of making a Third Branch Canal, extending from the said Grand Canal at *Ballycommon Lock* in the *King's County* to the Town of *Kilbeggan* in the County of *Westmeath*, upon a Mortgage of the Lands taken for the last-mentioned Branch Canal, and also of the expected Rates, Rents, Tolls, and Profits of the said last-mentioned Branch Canal: And whereas it appears that the Tolls and Profits of the said Branch Canals, after paying the Costs

and Charges of Maintenance, have been and are wholly inadequate to discharge the Principal Sums of Money lent on the Security thereof, or the Interest thereof: And whereas the Duties of the said Commissioners are now exercised by, and the said Mortgage Securities were afterwards transferred to, the Commissioners of Public Works in *Ireland*: And whereas it is expedient that the said last-mentioned Commissioners should be empowered to accept the Sum herein-after mentioned, instead of all Demands against the said Company on account of the said several Loans: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon Payment of the Sum of Ten thousand Pounds by the said Company of Undertakers of the Grand Canal into the Bank of *Ireland*, to the Credit and for account of the Paymaster of Civil Services in *Ireland*, all the Estate, Right, Title, Property, or Interest whatsoever of the said Commissioners of Public Works in *Ireland*, or of any Person or Persons in trust for them, of, in, and to the several Lands, Tenements, and Hereditaments, Waters, Watercourses, Bridges, Locks, Sluices, Drains, Banks, Dams, Roads, Towing Paths, and other Ways of the said Three Branch Canals, extending from the said River *Shannon* to the Town of *Ballinasloe*, and from the said Town of *Monasterevan* to the said Town of *Mountmellick*, and from the said Grand Canal at *Ballyshannon Lock* to the Town of *Kilbeggan*, as aforesaid, shall be vested in the said Company and their Successors, and that all the said Lands, Tenements, and Hereditaments, Waters, Watercourses, Bridges, Locks, Sluices, Drains, Roads, Towing Paths, and other Ways, shall, from and after such Payment as aforesaid, be deemed to be Parts of the said Grand Canal, and be vested in the said Company and their Successors, freed and discharged from the said Mortgages and all Interest accruing thereon, and from all Claims and Demands whatever in respect thereof; and the said Company shall thereafter hold the same to their own Use and Benefit, and to the Use and Benefit of their Successors for ever, subject and according to the Powers and Provisions which constitute them Undertakers and Proprietors of the said Grand Canal.

II. And be it enacted, That upon Payment of the said Sum of Ten thousand Pounds as aforesaid the said Commissioners of Public Works in *Ireland* shall, upon the Request and at the Cost of the said Company, assign over and reconvey, or cause to be assigned over and reconveyed, to the said Company, any Assignment or Assignments, Mortgage or Mortgages of the said Lands, Rates, Rents, Tolls, and Profits of the said Three Branch Canals, taken or holden by them or by any Person or Persons in trust for them, or for securing Payment of the said several Sums of Forty-seven thousand one hundred and eight Pounds Thirteen Shillings and Three-pence, Thirty-three thousand four hundred and sixteen Pounds Sixteen Shillings and Three-pence, and Eighteen thousand Pounds, and surrender up the same to the said Company of Undertakers or their public Officer; and that the said Company and their Successors shall thereupon be freed and discharged from all

On Payment of 10,000*l.* by the Grand Canal Company the Branch Canals herein set forth to vest in the Company.

Commissioners of Public Works to reconvey Mortgages.

Claim by the said Commissioners of Public Works on account of the said several Loans of Money, or any Interest due thereon.

Act may be amended, &c.

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

C A P. XCIX.

An Act to extend the Time limited by an Act passed in the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*.

[9th August 1844.]

9 G. 4. c. cxviii. 6&7 W. 4. c. 114.

‘ WHEREAS an Act was passed in the Ninth Year of the
 ‘ Reign of His late Majesty King *George the Fourth*, intit-
 ‘ tled *An Act for making and maintaining a navigable Cut or*
 ‘ *Canal from a Point at or near the Black Book in the Harbour*
 ‘ *of Tralee in the County of Kerry to Croompanrickard near the*
 ‘ *Town of Tralee in the said County; and for otherwise improv-*
 ‘ *ing the said Harbour of Tralee*, whereby certain Parties were
 ‘ incorporated, and were created One Body Corporate by the Name
 ‘ and Style of “The Commissioners of the Harbour of *Tralee*,”
 ‘ for the Purposes of erecting, making, and completing the said
 ‘ Canal, and the other Works by such Act authorized and re-
 ‘ quired: And whereas it was by the said recited Act enacted,
 ‘ that in case the said Canal and the other Works in and by the
 ‘ said Act authorized and required should not have been completed
 ‘ and made in the Space of Eight Years, to be computed from the
 ‘ passing thereof, then and from thenceforth all the Powers, An-
 ‘ thorities, and Privileges given by the said Act should cease and
 ‘ determine, save only and except as to so much, if any, of the
 ‘ intended Canal, Basin, Dock, Harbour, and other Works therein
 ‘ mentioned as should have been declared and certified to have
 ‘ been completed within the said Term by the Justices of the
 ‘ Peace for the County of *Kerry* assembled at any Quarter Sessions
 ‘ of the Peace to be holden in and for the said County at any Time
 ‘ before the Expiration of the said Term of Eight Years, or within
 ‘ Six Calendar Months next after the Expiration thereof: And
 ‘ whereas another Act was passed in the Sixth and Seventh
 ‘ Years of the Reign of His late Majesty King *William the*
 ‘ *Fourth*, intituled *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*, whereby, after reciting that
 ‘ the said Commissioners had proceeded in the Execution of the
 ‘ said recited Act, and had made great Progress in the cutting,
 ‘ making, forming, and completing the said Canal and other the
 ‘ Works in and by the said Act authorized to be made, and had
 ‘ entered into Contracts in relation to the same, but in order to
 ‘ complete the said Canal and other the Works contemplated by
 ‘ the said Act it was necessary that further Time should be
 ‘ granted for that Purpose, it was enacted, that the Time limited

‘ by

' by the said first-recited Act for the Completion of the said Canal
 ' and the Works authorized to be made under the said first-recited
 ' Act should be and the same was thereby extended for the further
 ' Term of Five Years; but by the said Act now in recital it was
 ' provided and further enacted, that in case the said Canal and
 ' other Works authorized by the said first-recited Act to be made
 ' should not be made and completed within the said Term of Five
 ' Years, to be computed from the passing of the Act now in
 ' recital, then from and after the Expiration of the said Term of
 ' Five Years all Powers, Authorities, and Privileges by the said
 ' recited Act given to or conferred upon the said Commissioners
 ' for making such Canal, and the several Works, Matters, and
 ' Things belonging thereto or connected therewith should cease
 ' and determine, save only and except as to so much of the said
 ' Canal and other Works as should have been declared and certi-
 ' fied to have been completed within the said Term by the Justices
 ' of the Peace of the said County of *Kerry* assembled at any
 ' Quarter Sessions of the Peace to be holden for the said County
 ' at any Time before the Expiration of the said Term of Five
 ' Years, or within Six Calendar Months next after the Expiration
 ' thereof, upon the Evidence of One or more Witness or Wit-
 ' nesses upon Oath to be produced before them for that Purpose ;
 ' And whereas another Act was passed in the Fourth and Fifth
 ' Years of Her present Majesty's Reign, intituled *An Act to em- 4 & 5 Vict. c. 46.*
 ' power the Commissioners for the Issue of Exchequer Bills for
 ' Public Works to complete the Works authorized to be made by
 ' an Act of the Sixth and Seventh Year of the Reign of His late
 ' Majesty King William the Fourth, for improving the Navigation
 ' and Harbour of Tralee in the County of Kerry; and to extend
 ' the Time for that Purpose, whereby, after reciting that in the
 ' Year One thousand eight hundred and thirty-two the said Com-
 ' missioners of the Harbour of Tralee borrowed of the Commis-
 ' sioners for carrying into execution the several Acts passed for
 ' authorizing the Issue of Exchequer Bills and Advance of Money
 ' for carrying on Public Works and Fisheries, and Employment of
 ' the Poor, and particularly an Act passed in the Sixth Year of
 ' the Reign of His late Majesty King George the Fourth, intituled 6 G. 4. c. 35.
 ' *An Act to render more effectual the several Acts for authorizing*
 ' *the Advances for carrying on Public Works, so far as relates to*
 ' Ireland, the Sum of Six thousand Pounds, and for securing the
 ' Repayment thereof, with Interest, by the Instalments, at the
 ' Times, and in manner mentioned in the Indenture of Mortgage
 ' therein-after recited, the said Commissioners of the Harbour of
 ' Tralee executed to the Secretary of the said Commissioners for
 ' the Issue of Exchequer Bills a Mortgage, bearing Date the
 ' Eighteenth Day of *July* One thousand eight hundred and thirty-
 ' two, of all and every the Rates, Tolls, Duties, and Receipts,
 ' Hereditaments, Chattels, and Property whatsoever of or belong-
 ' ing to the said Commissioners of the Harbour of Tralee, and
 ' reciting, that, Default having been made in Payment of certain
 ' of the Instalments of Principal and Interest which had become
 ' due on the said Mortgage, the said Commissioners for the Issue
 ' of Exchequer Bills, in pursuance of the Powers and Provisions
 ' of their said Acts, had entered into and were then in possession
 ' of

' of the Works and Property of or belonging to the said Com-
 ' missioners of the Harbour of *Tralee*, and it was expedient, in
 ' order to prevent the Loss of the Sum of Five thousand four
 ' hundred Pounds, Part of the said Sum of Six thousand Pounds,
 ' with the Interest thereon, by reason of the incomplete State of
 ' the said Canal and other Works by the said first-recited Act
 ' authorized or required to be made and executed, that the same
 ' should be completed by the said Commissioners for the Issue of
 ' Exchequer Bills for Public Works, but in order thereto it was
 ' necessary that further Time should be granted for that Purpose.
 ' it was enacted, that the Time limited by the said recited Act of
 ' the Sixth and Seventh Years of the Reign of His said late Ma-
 ' jesty King *William* the Fourth, for the Completion of the said
 ' Canal and other Works by the said first-recited Act authorized
 ' and required to be made and executed, should be and the same
 ' was thereby extended for the further Term of Three Years, to
 ' be computed from the Expiration of the said Term of Five
 ' Years by the said last-recited Act limited for such Purposes;
 ' but by the said Act now in recital it was provided and enacted,
 ' that in case the said Canal and other Works by the said first-
 ' recited Act authorized to be made and executed should not be
 ' made and completed within the said Term of Three Years, to be
 ' computed from the Expiration of the said Term of Five Years
 ' by the said last-recited Act limited for such Purposes as afore-
 ' said, then from and after the Expiration of the said Term of
 ' Three Years all the Powers, Authorities, and Privileges by the
 ' said first-recited Act given to or conferred upon the said Com-
 ' missioners for making such Canal, and the several Works,
 ' Matters, and Things belonging thereto or connected therewith,
 ' should cease and determine, save only and except as to so much
 ' of the said Canal and other Works as should have been declared
 ' and certified to have been completed within the said Term by
 ' the Justices of the Peace of the said County of *Kerry* assembled
 ' at any Quarter Sessions of the Peace to be holden for the said
 ' County at any Time before the Expiration of the said Term of
 ' Three Years, or within Six Calendar Months next after the
 ' Expiration thereof, upon the Evidence of any One or more Wit-
 ' ness or Witnesses upon Oath to be produced before them for
 ' that Purpose: And whereas the said Commissioners for the
 ' Issue of Exchequer Bills for Public Works have made great
 ' Progress in making and executing the said Canal and other
 ' Works by the said first Act authorized or required to be made
 ' and executed; but in order to complete the said Canal and other
 ' Works it is necessary that further Time should be granted for
 ' that Purpose: May it therefore please Your Majesty that it may
 ' be enacted; and be it enacted by the Queen's most Excellent
 ' Majesty, by and with the Advice and Consent of the Lords Spir-
 ' itual and Temporal, and Commons, in this present Parliament
 ' assembled, and by the Authority of the same, That the Time
 ' limited by the said last-recited Act for the Completion of the said
 ' Canal and other Works by the said first-recited Act authorized
 ' and required to be made and executed shall be and the same
 ' is hereby extended for the further Term of Three Years, to
 ' be computed from the Expiration of the said Term of Three
 ' Years

The Time
 limited by the
 last-recited Act
 for the Execu-
 tion of the
 Works extended
 for Three Years.

Years by the said last-recited Act limited for such Purposes as aforesaid.

II. Provided always, and be it enacted, That in case the said Canal and other Works by the said first-recited Act authorized to be made and executed shall not be made and completed within the said Term of Three Years, to be computed from the Expiration of the Term of Three Years by the said last-recited Act limited for such Purposes as aforesaid, then from and after the Expiration of the said Term of Three Years limited by this Act all the Powers, Authorities, and Privileges by the said first-recited Act given to or conferred upon the said Commissioners for making such Canal, and the several Works, Matters, and Things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said Canal and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of Kerry assembled at any Quarter Sessions of the Peace to be holden for the said County at any Time before the Expiration of the said Term of Three Years limited by this Act, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of any One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

The Powers given by the first-recited Act to cease at the End of the said Term, save as to Works certified by Justices of Kerry to have been completed.

C A P. C.

An Act to supply an Omission in an Act of the Sixth and Seventh Years of Her present Majesty, for amending and continuing the Laws in *Ireland* relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition.

[9th August 1844.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend, and continue for Two Years, and to the End of the then next Session of Parliament, the Laws in Ireland relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition*: And whereas the Forty-ninth Section of the said Act is in the Words following; (that is to say,) "And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland* at each Assizes, and for the Grand Juries at each Presenting Term for the County of *Dublin* and County of the City of *Dublin*, and they are hereby respectively required, to present such Sums to be raised off the County as shall have been necessarily disbursed in marking Arms under the Provisions of this Act in such County of a City or Town, and such Sums as shall appear to them to have been necessarily disbursed shall be paid to the Officer by whom such Disbursements shall have been made; and it shall be also lawful for the said Grand Juries at each Assizes or Presenting Term to present such Sums as may be necessary to pay the Clerks of the Peace and Petty Sessions respectively for their Trouble and Expences in the Execution of this Act:" And whereas in the

6 & 7 Vict. c. 74.

Sect. 49. in recited Act to have the Effect intended, notwithstanding the Omission.

Phrase in the said Section, " And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland*," the Word " County " was inadvertently omitted, and it is expedient to supply such Omission: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before recited Section of the said Act shall be deemed, construed, and taken to have such and the same Effect to all Intents and Purposes whatsoever as if the Words following, (that is to say,) " And be it enacted, That it shall be lawful for the Grand Jury of every County, County of a City, and County of a Town in *Ireland*," had been originally inserted in the said Section, instead of the said Words " And be it enacted, That it shall be lawful for the Grand Jury of every County of a City and County of a Town in *Ireland*;" and that the Presentments to be made in every County in *Ireland* at the next Assizes for raising off the County such Sums as shall have been necessarily disbursed in marking Arms in such County, under the Authority of the said recited Act and this Act, shall respectively include such Sums as shall have been so disbursed for such Purpose before the passing of this Act; and that it shall be also lawful for the Grand Jury of every County in *Ireland* to include in each such Presentment respectively such Sums as may be necessary to pay the Clerks of the Peace and Petty Sessions respectively for the Trouble and Expences incurred by them in the Execution of the said recited Act before the passing of this Act.

Recited Act and this Act to be construed as One Act.

II. And be it enacted, That the Provisions of the said last-recited Act (save and except such Parts thereof as are by this Act amended) shall apply and extend to this Act, and that the said recited Act and this Act shall be construed together as One Act.

Act may be amended, &c.

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

C A P. CI.

An Act for the further Amendment of the Laws relating to the Poor in *England*. [9th August 1844.]

4 & 5 W. 4. c. 76. **W**HEREAS it is expedient to amend an Act passed in the Session held in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, and certain other Acts relating to the Relief of the Poor in *England*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Powers for obtaining or making an Order upon any putative Father for the Maintenance of a Bastard Child shall cease and determine, except as herein-after provided.

Powers of making Order on putative Father to cease.

II. And

II. And be it enacted, That any single Woman who may be with Child, or who may be delivered of a Bastard Child, after the passing of this Act, or who has been delivered of a Bastard Child within the Period of Six Calendar Months before the passing of this Act, may either before the Birth, or at any Time within Twelve Months from the Birth of such Child, or at any Time thereafter, upon Proof that the Man alleged to be the Father of such Child has within the Twelve Months next after the Birth of such Child paid Money for its Maintenance, make Application to any One Justice of the Peace acting for the Petty Sessional Division of the County, or for the City, Borough, or Place in which she may reside, for a Summons to be served on the Man alleged by her to be the Father of such Child; and if such Application be made before the Birth of the Child the Woman shall make a Deposition upon Oath stating who is the Father of such Child, and such Justice of the Peace shall thereupon issue his Summons to the Person alleged to be Father of such Child to appear at a Petty Session to be holden after the Expiration of Six Days at least for the Petty Sessional Division, City, Borough, or other Place in which such Justice usually acts.

The putative Father to be summoned to Petty Sessions on Application of Mother of Bastard.

III. And be it enacted, That after the Birth of such Bastard Child, on the Appearance of the Person so summoned, or on Proof that the Summons was duly served on such Person, or left at his last Place of Abode Six Days at least before the Petty Session, the Justices in such Petty Session shall hear the Evidence of such Woman, and such other Evidence as she may produce, and shall also hear any Evidence tendered by or on behalf of the Person alleged to be the Father; and if the Evidence of the Mother be corroborated in some material Particular by other Testimony, to the Satisfaction of the said Justices, they may adjudge the Man to be the putative Father of such Bastard Child; and they may also, if they see fit, having regard to all the Circumstances of the Case, proceed to make an Order on the putative Father for the Payment to the Mother of the Bastard Child, or to any Person who may be appointed to have the Custody of such Child under the Provisions of this Act, of a Sum of Money weekly, and of such Costs as may have been incurred in the obtaining of such Order, including, if they think proper, Ten Shillings for the Midwife, and Ten Shillings towards the Funeral Expences of the Child, provided it have died before the making of such Order; and if the Application be made before the Birth of the Child, or within Two Calendar Months after the Birth of the Child, such weekly Sum may, if the said Justices think fit, be calculated from the Birth of the Child, at a Rate not exceeding Five Shillings *per* Week for the first Six Weeks after the Birth of such Child; and in other Cases such Sum shall not exceed Two Shillings and Sixpence *per* Week from the Time of the making of the Application; and if at any Time after the Expiration of One Calendar Month from the making of such Order as aforesaid it be made to appear to any One Justice, upon Oath or Affirmation, that any Sum to be paid in pursuance of such Order has not been paid, such Justice may, by Warrant under his Hand and Seal, cause such putative Father to be brought before any Two Justices; and in case such putative Father neglect or refuse to make Payment

Justices in Petty Session may make an Order on the putative Father for Maintenance and Costs, and enforce the same by Distress and Commitment.

of the Sums due from him under such Order, or since any Commitment for Disobedience to such Order as herein-after provided, together with the Costs attending such Warrant, Apprehension, and bringing up of such putative Father, such Two Justices may, by Warrant under their Hands and Seals, direct the Sum so appearing to be due, together with such Costs, to be recovered by Distress and Sale of the Goods and Chattels of such putative Father, and may order such putative Father to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless he give sufficient Security, by way of Recognizance or otherwise, to the Satisfaction of such Justices, for his Appearance before Two Justices on the Day which may be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the Time of taking any such Security; but if upon the Return of such Warrant, or if by the Admission of such putative Father, it appear that no sufficient Distress can be had, then any such Two Justices may, if they see fit, by Warrant under their Hands and Seals, cause such putative Father to be committed to the Common Gaol or House of Correction of the County, City, Borough, or Place where they have Jurisdiction, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Sum and Costs, and all reasonable Charges attending the said Distress, together with the Costs and Charges attending the Commitment and conveying to Gaol or to the House of Correction, and of the Persons employed to convey him thither, be sooner paid and satisfied: Provided always, that if the Woman have allowed the weekly Payment to be in arrear for more than Thirteen successive Weeks, without Application to a Justice, the Man shall not be called upon to pay more than the Amount due for Thirteen Weeks in discharge of the whole Debt, and no Warrant of Distress shall be issued for more than the Amount of Arrears for Thirteen Weeks Payment in discharge of the whole Arrears or Debt.

Proviso.

Applications to be made within Forty Days.

Appeal to Quarter Sessions for the putative Father.

IV. And be it enacted, That the Justices in Petty Session as aforesaid may adjourn the Hearing of the Case as often as to them may seem fit; but no such Order shall be made unless applied for at such Petty Sessions within the Space of Forty Days from the Service of the Summons after the Birth of the Bastard Child on the Person alleged to be the Father of such Bastard Child; and if within Twenty-four Hours after the Adjudication and making of any Order on the putative Father as aforesaid such putative Father give Notice of Appeal to the Mother of the Bastard Child, and also within Seven Days give sufficient Security, by Recognizance or otherwise, for the Payment of Costs, to the Satisfaction of some One Justice of the Peace, it shall be lawful for such putative Father to appeal to the General Quarter Sessions of the Peace to be holden after the Period of Fourteen Days next after the making of the said Order for the County, City, Borough, or Place for which such Petty Session may have been held; and the Justices in such Quarter Sessions assembled, or the Recorder, as the Case may be, shall thereupon hear and determine such Appeal, and shall order such Costs to be paid by either Party as to them or him may seem fit.

V. And

V. And be it enacted, That all Money payable under any Order as aforesaid shall be due and payable to the Mother of the Bastard Child in respect of such Time and so long as she lives and is of sound Mind, and is not in any Gaol or Prison, or under Sentence of Transportation; and after the Death of the Mother of such Bastard Child, or whilst such Mother is of unsound Mind, or confined in any Gaol or Prison, or under Sentence of Transportation, any Two Justices may, if they see fit, by Order under their Hands and Seals from Time to Time appoint some Person who, with his own Consent, shall have the Custody of such Bastard Child, so long as such Bastard Child is not chargeable to any Parish or Union, and any Two such Justices may revoke the Appointment of such Person, and may appoint another Person in his Stead; and every Person so appointed to have the Custody of a Bastard Child shall, so long as such Child is not chargeable to any Parish or Union, be empowered to make Application for the recovering of all Payments becoming due under the Order of the Court of Petty Session as aforesaid, in the same Manner as the Mother of such Bastard Child might have done; and the Clerk to the Justices making any Order on the putative Father of a Bastard Child, or appointing any Person to have the Custody of such Child, as herein-before provided, shall as soon as may be send by Post or otherwise a Duplicate of such Order or Appointment, signed by such Clerk, to the Clerk to the Guardians of the Union or Parish in which the Mother of such Bastard Child resided at the Time of making such Order or Appointment: Provided always, that no Order for the Maintenance or Support of any such Bastard Child made in pursuance of this Act shall, except for the Purpose of recovering Money previously due under such Order, be of any Force or Validity after the Child in respect of whom it was made has attained the Age of Thirteen Years, or after the Marriage of the Mother of such Child, or after the Death of such Child.

Money under the Order to be paid to the Mother or to a Person appointed by the Justices.

Time of Cessation of Order.

VI. And be it declared and enacted, That every Woman neglecting to maintain her Bastard Child, being able wholly or in part so to do, whereby such Child becomes chargeable to any Parish or Union, shall be punishable as an idle and disorderly Person, under the Provisions of an Act made and passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of the United Kingdom called England*; and every Woman so neglecting to maintain her Bastard Child, after having been once before convicted of such Offence, and every Woman deserting her Bastard Child, whereby such Bastard Child becomes chargeable to any Parish or Union, shall be punishable as a Rogue and Vagabond, under the Provisions of the said last-recited Act.

Mother punishable for Neglect or Desertion of her Bastard Child.

5 G. 4. c. 83.

VII. And be it enacted, That it shall not be lawful for any Justice of the Peace to appoint any Officer of any Parish or Union to have the Custody of any Bastard Child as herein-before provided, or for any Officer of any Parish or Union, Clerk of Justice, or Constable, to receive any Money in respect of any Bastard Child under an Order of Petty Session as aforesaid, or as such Officer to conduct any Application to make or enforce such Order,

Officers of Parishes or Unions not to receive Money under their Order, or to interfere in any respect.

or

Proceedings
against putative
Father in case
of Death or
Incapacity
of Mother.

or in any way to interfere as such Officer in causing such Application to be made, or in procuring Evidence in support of such Application, under a Penalty of Forty Shillings, to be levied on Conviction before any Two Justices as Penalties and Forfeitures under the said first-recited Act : Provided always, that after the Death of such Mother, or if such Mother be incapacitated as aforesaid, so often as any Bastard Child for whose Maintenance such Order of Petty Sessions has been made becomes chargeable to any Parish or Union by the Neglect of the putative Father to make the Payments due under the Orders of Justices, then and in such Case it shall be lawful for any Board of Guardians of an Union or Parish, or if there be no such Board of Guardians for the Overseers of any Parish or Place, to make such Application for the Enforcement of the Order as might have been made by the Mother of such Bastard Child if alive ; but all Payments for the Maintenance of such Child made in pursuance of such Application shall be made to some Person to be from Time to Time appointed by the Justices as herein-before provided, and on condition that such Bastard Child shall cease to be chargeable to such Parish or Union.

Penalties for
promoting
Marriage of
Mother of a
Bastard impro-
perly, misapplying
Monies, or
maltreating a
Bastard Child.

VIII. And be it enacted, That if any Officer of a Union, Parish, or Place endeavour to induce any Person to contract a Marriage by Threat or Promise respecting any Application to be made or any Order to be enforced with respect to the Maintenance of any Bastard Child, such Officer shall be guilty of a Misdemeanor ; and every Person having the Custody of any Bastard Child under any Order of Justices, as herein-before provided, who may misapply Monies paid by the putative Father for the Support of such Child, or may withhold proper Nourishment from such Child, or otherwise abuse and maltreat such Child, shall, on Conviction before any Two Justices, forfeit and pay a Sum not exceeding Ten Pounds.

Existing Orders,
&c. not to be
affected, and
Orders made
before 14th of
August 1834
to cease on
1st Jan. 1849.

IX. And be it enacted, That nothing in this Act contained shall affect the Validity of any Orders for the Maintenance of a Bastard Child made by Justices in Quarter or Petty Sessions before the passing of this Act ; but no such Order made before the Fourteenth Day of August One thousand eight hundred and thirty-four shall be in force after the First Day of January One thousand eight hundred and forty-nine, and that all Proceedings actually pending before Justices in Quarter Sessions or Petty Sessions at the Time of the passing of this Act may be continued, and Orders made therein in the same Manner as if this Act had not been passed.

Orders made by
Justices acting
in Two adjoining
Counties to be
valid, although
not made in the
County in which
the Parish is
situate.

X. ' And whereas various Unions established under the Authority of the said recited Act are situate partly in one County, Riding, or Division, and partly in an adjoining County, Riding, or Division : And whereas Doubts have been entertained whether any Justice of the Peace acting under Two Commissions for different Counties, Ridings, or Divisions can legally make Orders in Bastardy when acting in Petty Sessions within the Limits of one of such Commissions, for such Parts of such Unions as are situate within the Limits of the other of such Commissions : And whereas it is expedient to remove all such Doubts with regard to Orders which have before the passing of this Act been

' made

'made under such Circumstances;' be it therefore enacted, That all Orders in Bastardy which have been made by any Justices of the Peace acting as such under Two Commissions for any Two adjoining Counties, Ridings, or Divisions, shall although not made within the County, Riding, or Division in which the Parish interested in the Order, or any Part thereof, is situate, be as valid, good, and effectual in the Law, to all Intents and Purposes, as if they had been made within such County, Riding, or Division.

XI. And be it enacted, That every Clerk to the Justices shall once in each Year, (that is to say,) as soon as may be after the First Day of *January*, make up, in the Form in the Schedule (A.) annexed to this Act, and forward to the Clerk of the Peace, a complete List of Summonses issued, Applications heard, and Orders made as aforesaid since the First Day of *January* of the Year preceding, by the Justices to whom he acts as Clerk; and every Clerk of the Peace shall receive such Lists, and shall, on Demand of the Clerk to the Justices, acknowledge under his Hand the Receipt of any such List, and shall preserve the said Lists, and shall, as soon as may be after the Receipt of such Lists, transmit Copies thereof, duly certified, to Her Majesty's Principal Secretary of State for the Home Department, and shall also transmit a List of all the Cases in which Appeals have been made to the Court of Quarter Sessions during the same Period, with the Result of every such Appeal; and it shall be lawful for the Justices of the Peace, at their respective General Quarter Sessions of the Peace, to make and settle a Fee or Fees to be paid to every such Clerk to the Justices for every such List; and on Production by any such Clerk to the Justices of the Acknowledgment by the Clerk of the Peace of the Receipt of such List the Treasurer of the County shall pay the Fee so made and settled, and due in respect of any such List, out of the County Stock in the Hands of such Treasurer.

XII. And be it enacted, That the Poor Law Commissioners may, by Order under their Hands and Seal, prescribe the Duties of the Masters to whom poor Children may be apprenticed, and the Terms and Conditions to be inserted in the Indentures by which such Children may be so bound as Apprentices; and every Master of such Apprentice who wilfully refuses or neglects to perform any of such Terms or Conditions so inserted in any such Indenture shall be liable, upon Conviction thereof before any Two Justices, to forfeit any Sum not exceeding Twenty Pounds; and that after the First Day of *October* next no poor Child shall be bound Apprentice by the Overseers of any Parish included in any such Union or subject to a Board of Guardians under the Provisions of the first-recited Act, but it shall be lawful for the Guardians of such Union or Parish respectively to bind any such poor Child to be an Apprentice, and in such Case the Indentures of Apprenticeship shall be executed by the said Guardians, and shall not need to be allowed, assented to, or executed by any Justice or Justices of the Peace, and the Guardians shall have all the Powers for binding or assigning any such Apprentice which are now possessed by Overseers, and shall cause all Apprentices so bound or assigned by them to be registered by their Clerk according to the Form prescribed by the Statute of the Forty-second Year of the

Clerks to Justices annually to make a Return of Summonses, Orders, &c. to the Clerks of the Peace;

who shall transmit Copies thereof to the Secretary of State, with Lists of Appeals.

Poor Law Commissioners to prescribe the Duties of poor Apprentices, and Masters neglecting to fulfil them liable to Penalty.

Guardians to bind poor Children Apprentices instead of Overseers.

Reign of King *George* the Third relating to the Registration of Parish Apprentices, so far as the same may be applicable to such Binding or Assignment: Provided always, that nothing herein contained shall directly or indirectly interfere with the Provisions of any Act of Parliament relating to Apprentices to be bound to the Sea Service.

Compulsory Apprenticeship abolished.

Repeal of 43 Eliz. c. 2.

8 & 9 W. 3. c. 3.

Repeal of so much of 4 & 5 W. 4. c. 76. as relates to Number of Votes of Owners and Rate-payers.

58 G. 3. c. 69.

Owners of Property and Rate-payers to vote according to the Scale herein set forth.

XIII. And be it enacted, That after the passing of this Act so much of an Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, and so much of an Act passed in the Session held in the Eighth and Ninth Years of the Reign of King *William* the Third, intituled *An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom*, or of any other Act of Parliament, whether general or local, as compels any Person to receive any poor Child as an Apprentice, shall be and is hereby repealed.

XIV. ' And whereas by the said first-recited Act it is provided, ' that in every Case of an Election of Guardians under the said ' Act, or whenever the Consent of Owners of Property or Rate- ' payers in any Parish or Union may be required for any of the ' Purposes of the said Act, the Owner, as well as the Rate-payer, ' in respect of any Property in such Parish or Union, shall be ' entitled to vote, and the Owner shall have the same Number ' and Proportion of Votes respectively as is provided for Inha- ' bitants and other Persons in and by an Act made and passed in ' the Fifty-eighth Year of the Reign of His late Majesty King ' *George* the Third, intituled *An Act for the Regulation of Parish ' Vestries*, and in and by an Act to amend the same, made and ' passed in the Fifty-ninth Year of His said late Majesty; and the ' Rate-payers under Two hundred Pounds shall each have a single ' Vote; and the Rate-payers rated at Two hundred Pounds or ' more, but under Four hundred Pounds, shall each have Two ' Votes; and the Rate-payers rated at Four hundred Pounds or ' more shall each have Three Votes: And whereas it is expedient ' that the Number and Proportion of Votes of Owners of Property ' and of Rate-payers respectively should be assimilated; be it ' enacted, That so much of the said Act as is above recited relating ' to the Number and Proportion of Votes of Owners of Property ' and of Rate-payers respectively shall be and the same is hereby ' repealed; and that in all Cases in which by the said Act, or by ' any Act amending or extending the same, Owners of Property and ' Rate-payers are entitled to vote, every Owner of Property and ' Rate-payer shall have respectively the same Number and Propor- ' tion of Votes, according to the Scale following; (that is to say,) ' if the Property in respect of which he is entitled to vote be rated ' upon a rateable Value of less than Fifty Pounds, he shall have ' One Vote; if such rateable Value amount to Fifty Pounds and be ' less than One hundred Pounds, he shall have Two Votes; if it ' amount to One hundred Pounds and be less than One hundred and ' fifty Pounds, he shall have Three Votes; if it amount to One ' hundred and fifty Pounds and be less than Two hundred Pounds, ' he shall have Four Votes; if it amount to Two hundred Pounds ' and be less than Two hundred and fifty Pounds, he shall have Five ' Votes; and if it amount to or exceed Two hundred and fifty ' Pounds, he shall have Six Votes.

XV. And

XV. And be it enacted, That no Owner of Property shall be entitled to vote as such, under the Provisions of the said recited Act, either in Person or Proxy, during the Year following the Twenty-fifth Day of *March* in any Year, unless before the First Day of *February* next preceding such Twenty-fifth Day of *March* he had given to the Overseers the Statement required by the said Act, signed by him, nor unless such Statement contain a Description of the Nature of the Interest or Estate he may have in such Property, and a Statement of the Amount of all Rent Service (if any) which he may receive or pay in respect thereof, and of the Persons from whom he may receive or to whom he may pay such Rent Service; and no Person shall be entitled to vote as Proxy until Fourteen Days after he have made his Claim so to vote in the Manner required by the said Act; and no Person shall be entitled to vote as Proxy for more than Four Owners of Property in any One Parish (except he be a Steward, Bailiff, or Land Agent, or Collector of Rents for the Owners of Property for whom he may be appointed to vote); and no Appointment of Proxy shall remain in force for a longer Period than Two Years from the making thereof, excepting only in the Case in which an Owner appoints his Tenant, Bailiff, Steward, Land Agent, or Collector of Rents to be his Proxy, in which Case such Appointment shall remain in force so long as the Proxy may continue to be such Tenant, Bailiff, Steward, Land Agent, or Collector, and while such Appointment remains unrevoked; and the Overseers of every Parish containing a Population exceeding Two thousand Persons, according to the last Enumeration of the Population published by the Authority of Parliament, shall, on or before the Fifth Day of the Month of *February* in every Year, enter in the Book to be from Time to Time provided for the Purpose the Names and Addresses of all Persons who before the First Day of the said Month of *February* have given such Statement or made such Claims as Owners or Proxies as aforesaid; and such Overseers shall allow any Person to peruse such Book, without Payment of any Fee, at all reasonable Hours between the said Fifth Day and the Tenth Day of *February*; and any Person who has given such Statement or made such Claim, or any Rate-payer of such Parish, may, on or before the Fifteenth Day of the said Month of *February*, object to any other Person as not being entitled to vote as such Owner, by delivering to the Clerk of the Board of Guardians of the said Parish, or of the Union in which it may be comprised, and at the Address of the Person objected to, Notice in Writing of the Grounds of such Objection; and on or before the Twentieth Day of such Month of *February* such Clerk shall send to the Overseers of such Parish Notice of some Day, between the Twenty-fourth of the said Month and the First of *March* then next, on which he or some Person duly appointed for the Purpose will hear Evidence in relation to such Objections, and of the Place within the Parish or Union at which he or such other Person will attend to hear such Evidence; and such Overseers shall forthwith cause a Copy of such Notice to be fixed on or near the Doors of all Churches or Chapels within such Parish, and at all the usual Places of affixing Notices of parochial Business; and such Clerk shall attend on the Day and at the Place

Regulations as to Votes of Owners and of Proxies.

so appointed, and shall, in the Presence of all Persons who may think fit to be present, hear any Matter adduced in support of such Grounds of Objection, or in opposition thereto, but none other; and the Overseers of the said Parish shall then and there attend, and produce to such Clerk the Rate Books of the Parish for the whole Year preceding, and shall answer all such Questions as such Clerk may put to them or any of them touching the Matter of any such Objection; and such Clerk shall retain in the said Book the Name of all Persons to whom no Objection has been duly made, and of all Persons objected to, unless the Party objecting have appeared in support of his Objection, and established such Objection, and when the Name of any Person has been duly objected to, such Clerk shall require Proof of the Right of such Person to vote as Owner; and in case any Matter be adduced in support of the Objection, and the Right of the Person objected to be not proved to the Satisfaction of such Clerk, he shall expunge the Name of such Person from such Book; and such Clerk shall have Power to adjourn from Time to Time, and administer an Oath to the Overseers of any Parish, and to all Persons attending before him claiming a Right to vote as Owners or objecting to such Right, and to all Witnesses who may be tendered or examined on either Side; and such Clerk shall write his Initials against every Name struck out, and sign his Name to every Page of the said Book; and the Persons whose Names as Owners are retained by such Clerk in such Book shall be the only Persons entitled to vote in such Parish as Owners of Property for the Year following the Twenty-fifth of *March* next ensuing: Provided always, that the said Commissioners may, if they see fit, by Order under their Hands and Seal, direct the Guardians of such Parish or Union to appoint some Person, other than the Clerk to such Guardians, as a paid Officer, to hear and decide the Matter of such Objections as aforesaid, who shall have all such Powers as are herein-before given to the Clerk, and perform all such Duties as are herein-before imposed on the Clerk in that Behalf: Provided also, that nothing herein contained shall affect any Election in which Proceedings have been commenced before the passing of this Act.

So much of
4 & 5 W. 4. as
relates to not
voting only to
extend to Poor's
Rates.

XVI. ' And whereas by the said first-recited Act it is provided that no Person shall be deemed a Rate-payer, or be entitled to vote, or do any other Act, Matter, or Thing as such, under the Provisions of that Act, unless he shall have been rated to the Relief of the Poor for the whole Year immediately preceding his so voting or otherwise acting as such Rate-payer, and shall have paid the parochial Rates and Assessments made and assessed upon him for the Period of One whole Year, as well as those due from him at the Time of so voting or acting, except such as shall have been made or become due within Six Months immediately preceding such voting or acting; ' be it enacted, That such Parochial Rates and Assessments shall be deemed to extend only to Rates made for the Relief of the Poor.

Annual Election of Guardians to take place within Forty Days

XVII. ' And whereas in the said first-recited Act it is provided, that Guardians of the Poor elected under the Provisions of that Act shall go out of Office, and Guardians for the ensuing Year shall be chosen within Fourteen Days next after the Twenty-fifth

' Day of *March* in every Year: And whereas such Period hath been found to be too short, and it is expedient to extend the ' same; ' be it therefore enacted, That the Period within which the annual Election of Guardians shall take place shall be extended to the Period of Forty Days next after the said Twenty-fifth Day of *March*, and that the Guardians of the preceding Year shall continue in Office for the said Period of Forty Days, or until the Election of Guardians for the succeeding Year have taken place.

after the 25th
of *March*.

XVIII. And be it enacted, That it shall be lawful for the said Commissioners, having due Regard to the relative Population or Circumstances of any Parish included in a Union, to alter the Number of Guardians to be elected for such Parish, without such Consent as is required by the said first-recited Act.

Number of
Guardians may
be altered as to
Population, &c.

XIX. And be it enacted, That in every Case in which a Parish in which Guardians are to be elected under the Provisions of the said first-recited Act contains more than Twenty thousand Persons, according to the Enumeration of the Population then last published by Authority of Parliament, it shall be lawful for the said Commissioners, by Order under their Hands and Seal, for the Purpose of conducting the Election of Guardians, to divide such Parish into such and so many Wards as they may deem expedient, so that no such Ward shall contain a Number of rated Houses less than Four hundred, and to determine the Number of Guardians to be elected for every such Ward, having due Regard to the Value of the rateable Property therein; and each such Ward shall, for the Purpose of every Election of Guardians, so far as the said Commissioners may direct, be considered as a separate Parish.

Parishes may
be divided into
Wards.

XX. And be it enacted, That in every Case in which a Parish is divided into Wards for the Purpose of electing Guardians every Person qualified to be elected as a Guardian in the Parish shall be qualified to be elected in any Ward within the same Parish; but no Person shall at any Election of Guardians be elected for more than One Ward within the same Parish; and if at any such Election a Person be nominated in Two or more Wards, the Returning Officer at such Election shall, if such Person reside within the Parish, give such Person Notice thereof in Writing, to be left at his Place of Residence on the Day following the last Day fixed for the Nomination of Candidates, and such Person, whether he reside in the Parish or not, may at any Time, until Two Days preceding the issuing of the Voting Papers, elect by Notice in Writing delivered to the Returning Officer any One Ward for which he will stand an Election; and if he do not so elect some One Ward the Returning Officer shall place his Name on the List of Candidates for that Ward only for which he was first duly nominated.

Qualifications
of Guardians
in Wards.

XXI. And be it enacted, That no Person entitled to vote shall give in the whole of the Wards into which a Parish may be divided a greater Number of Votes than he would be entitled to have given if the Parish had not been divided into Wards, nor in any One Ward a greater Number of Votes than he is entitled to in respect of Property in that Ward; but, subject to the foregoing Limitations, any Rate-payer, Owner of Property, or Proxy entitled to vote may, by Notice in Writing delivered to the Overseers of the Parish before the Day appointed for the annual

Voting in
Wards.

Nomination

Nomination of Candidates, elect in what Ward or Wards he will vote for the ensuing Year, and determine the Proportion of Votes which he will give in any One or more of such Wards; and if he do not give such Notice he shall not be entitled to vote for any Ward in which he does not reside.

Restriction as to separate Overseers, &c.

XXII. And be it enacted, That after the passing of this Act it shall not be lawful to appoint separate Overseers for any Township or Village or other Place for which before the passing of this Act separate Overseers had not been lawfully appointed.

Orders of Poor Law Commissioners valid, notwithstanding separate Appointment of Overseers.

XXIII. And it is hereby declared and enacted, That in all Cases in which Overseers have for the first Time been separately appointed for any Township or Village since the Fourteenth Day of August in the Year of our Lord One thousand eight hundred and thirty-four all Orders of the Poor Law Commissioners, determining the Number of Guardians, or ascertaining the Averages of any such Township or Village, or of any Portion of the Parish from which such Township or Village had been separated, shall be and be deemed to be good and valid in Law, notwithstanding such separate Appointment of Overseers.

Justices who reside in extra-parochial Places or Parishes within Unions to be ex-officio Guardians.

XXIV. And be it enacted, That when any Union has been formed under the Provisions of the said first-recited Act, or where the said Commissioners have under the Provisions of the said Act directed that the Laws for the Relief of the Poor of any single Parish shall be administered by a Board of Guardians, every Justice of the Peace acting for the County, Riding, or Division in which such Union or Parish, or any Part thereof, is situated, and residing in any extra-parochial Place the boundary Line of which, or the greater Part of the boundary Line of which, is included within or coincident with the boundary Line of such Union or Parish, shall be *ex officio* a Guardian of such Union or Parish; and every Justice of the Peace residing in any Parish within such a Union, and acting for any County, Riding, or Division in which any Part of such Union is situated, shall be *ex officio* a Guardian of such Union.

Relief of married Women in certain Cases to be subject to the same Conditions as if they were Widows.

XXV. And be it enacted, That so long as it may appear that the Husband of any Woman is beyond the Seas, or in Custody of the Law, or in Confinement in a licensed House or Asylum as a Lunatic or Idiot, all Relief given to such Woman, or to her Child or Children, shall, notwithstanding her Coverture, be given to such Woman in the same Manner and subject to the same Conditions as if she was a Widow; but nothing herein contained shall diminish or affect the Obligations or Liabilities of such Husband in respect of such Relief.

Relief to Widows in certain Cases.

XXVI. And be it enacted, That in the Case of any Person being a Widow having a legitimate Child dependent on her for Support, and no illegitimate Child born after the Commencement of her Widowhood, and who at the Time of her Husband's Death was resident with him in some Place other than the Parish of her legal Settlement, and not situated in any Union in which such Parish is comprised, it shall be lawful for the Guardians of such Parish or Union, if they see fit, to grant Relief to such Widow, although not residing in such Parish or Union: Provided always, that, notwithstanding any thing herein contained, the Guardians of any Union or Parish, and the Overseers of any Parish, in

Proviso.

which such Widow may be resident or may require Relief, shall be and remain liable to relieve such Widow in the same Manner as any other Person requiring Relief in such Union or Parish.

XXVII. And be it enacted, That if it be made to appear to any Two Justices that any Insane Person, Lunatic, or Idiot chargeable to any Parish hath an Estate more than sufficient to maintain his Family, they shall by Order under their Hands and Seals direct the Overseers of the Parish to which such Person is chargeable to seize so much of any Money, to seize and sell so much of any Goods and Chattels, or to receive so much of the Rent of the Lands or Tenements of such Person who is proved to such Justices to be necessary to pay any Charges incurred in providing for the Removal, Maintenance, Clothing, Medicine, and Care of such Person; and if any Trustee or other Person having the Possession, Custody, or Charge of any Property of an Insane Person, Lunatic, or Idiot, or if the Governor and Company of the Bank of *England*, or any other Person or Persons, having in his or their Hands any Stock, Interest, Dividend, or Annuity due to any such Insane Person, Lunatic, or Idiot, pay any Money to any Overseer or to any Guardians of the Poor to defray the Charges incurred by any Parish in the Removal, Maintenance, Clothing, Medicine, or Care of such Insane Person, Lunatic, or Idiot, the Receipt of such Overseer or of the Clerk of such Guardians shall be a good Discharge to such Trustee or other Person aforesaid.

Expences incurred for Insane Paupers may be levied off their Estates.

XXVIII. And be it enacted, That the Guardians of every Parish or Union appointed under any local Act, and their Officers appointed to act in the Relief of the Poor, and their Clerks, shall, from and after the passing of this Act, have the like Powers and shall be liable to perform the same Duties with respect to Insane Persons as are provided in the Case of Guardians appointed under the Provisions of the said first-recited Act, their Relieving Officers and their Clerks respectively.

Guardians under local Acts to have Powers with respect to Insane Poor.

XXIX. And be it enacted, That the Guardians of any Parish or Union constituted by the said Commissioners shall apply all Money raised or borrowed for the Purpose of defraying the Expences of Emigration in such Parish or in any Parish within such Union, subject to the Conditions and Restrictions imposed by the said first-recited Act.

Guardians to apply Money raised for Emigration.

XXX. And be it enacted, That in addition to the Principal Sum or Sums of Money which Guardians are empowered by the said first-recited Act to raise or borrow for the Purpose of purchasing, hiring, building, enlarging, or altering Workhouses, or Buildings to be converted into Workhouses, the Guardians of any Parish or Union any Part of which is situated within the Metropolitan Police District, or the City of *London*, or the Select Vestry of the Parish of *Liverpool*, may, with the Consent of the Poor Law Commissioners, also raise or borrow and charge the future Poor Rates of such Parish, or Union with such further or other Sum or Sums of Money as may be or may have been necessary for the Purchase of any Land, or Interest in Land, required as the Site of such Workhouse, or of any Additions to any such Workhouse.

Cost of obtaining Site of Workhouses in the Metropolitan Police District, &c.

XXXI. And be it declared and enacted, That it shall be lawful for Guardians, or where there are no Guardians for the Overseers, to bury the Body of any poor Person which may be within their

Burials of Paupers.

Parish or Union respectively, and to charge the Expence thereof to any Parish under their Control to which such Person may have been chargeable, or in which he may have died, or otherwise in which such Body may be; and unless the Guardians, in compliance with the Desire expressed by such Person in his Lifetime, or by any of his Relations, or for any other Cause, direct the Body of such poor Person to be buried in the Churchyard or Burial Ground of the Parish to which such Person has been chargeable (which they are hereby authorized to do), every dead Body which the Guardians or any of their Officers duly authorized shall direct to be buried at the Expence of the Poor Rates shall (unless the deceased Person, or the Husband or Wife or next of Kin of such deceased Person, have otherwise desired,) be buried in the Churchyard or other consecrated Burial Ground in or belonging to the Parish, Division of Parish, Chapelry, or Place in which the Death may have occurred; and in all Cases of Burial under the Direction of the Guardians or Overseers as aforesaid the Fee or Fees payable by the Custom of the Place in which the Burial may take place, or under the Provisions of any Act of Parliament, shall be paid out of the Poor Rates, for the Burial of each such Body, to the Person or Persons who by such Custom or under such Act may be entitled to receive any Fee: Provided always, that it shall not be lawful for any Officer connected with the Relief of the Poor to receive any Money for the Burial of the Body of any poor Person which may be within the Parish, Division of Parish, Chapelry, or Place in which the Death may have occurred, or to act as Undertaker for personal Gain or Reward in the Burial of any such Body, or to receive any Money from any Dissecting School or School of Anatomy, or Hospital, or from any Person or Persons to whom any such Body may be delivered, or to derive any personal Emolument whatever for or in respect of the Burial or Disposal of any such Body; and any such Officer offending as aforesaid shall, on Conviction thereof before any Two Justices, forfeit and pay a Sum not exceeding Five Pounds.

Commissioners
may combine
Parishes and
Unions into
Districts for
Audit of
Accounts.
Election of Dis-
trict Auditors.

XXXII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, by Order under their Hands and Seal, to combine the Parishes and Unions in *England* and *Wales* into Districts for the Audit of Accounts, and from Time to Time to add any Parish or Union to any such District, or separate any Parish or Union therefrom; and the Chairman and Vice Chairman of each Board of Guardians constituted under the said first-recited Act or any other Act, or if there be no Chairman or Vice Chairman of any Guardians constituted under any other Act, then some Two of their Number to be selected by such last-mentioned Guardians, or if there be no such Body then some Two of the Overseers to be selected by the Overseers respectively acting within the District, shall elect, at the Time and in the Manner to be prescribed by the said Commissioners, a Person to be the Auditor of the District; but in any Case in which there are Two Vice Chairmen appointed in any Board of Guardians such Board of Guardians shall select One of the Vice Chairmen, who shall vote in the Election of such Auditor; and the said Commissioners shall have all the Powers with regard to the Salaries of the said Auditors to be charged on the Poor Rates, and to all other Matters relating

relating to Auditors for such Districts, as they have under the said first-recited Act with regard to paid Officers; and every Auditor appointed for such a District shall have full Powers to examine, audit, allow, or disallow of Accounts, and of Items therein, relating to Monies assessed for and applicable to the Relief of the Poor of all Parishes and Unions within his District, and to all other Money applicable to such Relief; and such Auditor shall charge in every Account audited by him the Amount of any Deficiency or Loss incurred by the Negligence or Misconduct of any Person accounting, or of any Sum for which any such Person is accountable, but not brought by him into account against such Person, and shall certify on the Face of every Account audited by him any Money, Books, Deeds, Papers, Goods or Chattels, found by him to be due from any Person; and when any such Auditor has so certified any Money, Books, Deeds, Papers, Goods or Chattels, to be due from any Person, he shall forthwith report the same to the said Commissioners; and the Person from whom any Money is so certified to be due shall within Seven Days pay or cause to be paid such Money to the Treasurer of the Guardians of the Union or Parish, if there be any such Treasurer; and in the Case of a Union such Money shall be applied by the Guardians to the Use of all or any of the Parishes included in such Union, according as all or any of such Parishes may be interested in the Sum so paid; and all Books, Deeds, Papers, Goods and Chattels, and in the Case where there is no Treasurer as aforesaid all Monies so certified to be due, shall be delivered over or paid, within Seven Days of the same being certified, to the Person or Persons authorized to receive the same; and if any such Money, Books, Deeds, Papers, Goods or Chattels, be not duly paid or delivered over as herein-before directed, the said Auditor, or any Auditor subsequently appointed, shall proceed, as soon as may be, to enforce the Payment or delivering over of the same; and all Monies so certified to be due by such Auditor shall be recoverable as so certified from all or any of the Persons making or authorizing the illegal Payment, or otherwise answerable for such Monies, and shall be recovered on the Application of such Auditor, or of any such Auditor subsequently appointed, or by any Person for the Time being entitled or authorized to receive the same, in the same Manner as Penalties and Forfeitures may be recovered under the Provisions of the said first-recited Act; and the Expences attending such Proceeding or Recovery shall (except so far as the same may be paid by the Person against whom the Proceedings have been taken) be repaid to such Auditor by the Guardians of the Parish or Union, or by the District Board of the District to which the Proceedings may respectively relate, and shall be charged in their Accounts in such Manner and in such Proportions as the said Commissioners may direct; and if any Person from whom any such Books, Deeds, Papers, Goods or Chattels, may be due, neglect or refuse to deliver over the same to the Person for the Time being entitled or authorized to receive the same, the Person so neglecting or refusing shall be liable, on the Complaint of any such Auditor for the Time being, or of the Person entitled or authorized to receive the same, to the Penalties and Proceedings provided in the Case of Overseers refusing or neglecting to pay and deliver over to their Successors

Their Powers
and Duties.

any Sum or Sums of Money, Goods, Chattels, and other Things, in their Hands; and any Churchwarden, Surveyor of the Highways, Overseer or other Officer of a Parish or Union, who shall wilfully authorize or make an illegal or fraudulent Payment from the Church Rate, Highway Rate, or other public Fund of a Parish or Union, or shall unlawfully make any Entry in his Accounts for the Purpose of defraying or making up to himself or any other Person the Whole or any Part of any Sum of Money unlawfully expended from the Poor Rate, or disallowed or surcharged in the Accounts of any Parish or Union by such Auditor, shall, upon Conviction thereof before any Two Justices, forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds, and also Treble the Amount of such Payment or of the Sum so entered in his Accounts.

Rate Books,
 &c. to be made
 up Seven Days
 before the Audit
 Day.

Notice of Time
 and Place of
 Audit.

Inspection
 of Books.

XXXIII. And be it enacted, That Seven clear Days at least before the Day fixed for the Audit of Accounts the Overseers or other Officers employed in any Parish in carrying the Laws for the Relief of the Poor into execution, and every Collector or Assistant Overseer acting for such Parish, shall cause their Rate Books and other Accounts to be made up and balanced; and the Books so made up shall forthwith be deposited at the House within the Parish of some One of such Overseers or other Officers, or of such Collector or Assistant Overseer, or at some other House within the Parish; and Notice shall forthwith be affixed at the usual Place or Places of giving Parish Notices, stating the Time and Place of Audit, as notified by the Auditor, and the Place where the Books are deposited; and such Books shall on each of such Days be open between the Hours of Eleven and Three, for the Inspection of every Person liable to be rated to the Relief of the Poor; and such Auditor shall give or send by Post or otherwise to the said Overseers or other Officers Fourteen Days Notice of the said Audit; but it shall not be necessary for the Auditor to give or send separate Notices to each of such Overseers or other Officers, and it shall be sufficient if it be proved that any One of them had Notice; and if any such Overseer or other Officer, Collector or Assistant Overseer, neglect to make up such Account, or alter such Account, or allow it to be altered when so made up, or refuse to allow such Inspection thereof, he shall be liable, on Conviction thereof, to forfeit Forty Shillings; and if any such Overseer or other Officer, Collector or Assistant Overseer, refuse or wilfully neglect to affix such Notice of Audit, and of the Time and Place for the Inspection of such Accounts, as above provided, he shall be liable, on Conviction thereof, to forfeit Forty Shillings; and it shall be lawful for every Rate-payer in any Parish or Union to be present at the Audit of the Accounts relating to such Parish or Union, and to make any Objection to any such Accounts before such Auditor; and it shall be lawful for any such Auditor to require any Person holding or accountable for any Money, Books, Deeds, Papers, Goods or Chattels, relating to the Poor's Rate or the Relief of the Poor, to produce to such Auditor his Accounts and Vouchers, and to make or sign a Declaration with respect to such Accounts; and so often as such Person neglects or refuses to attend, either at the Audit or any Adjournment thereof, when so required by such Auditor, or to produce to him such Accounts or Vouchers, or

any

any of them, or to make or sign a Declaration with respect to his Accounts, if thereunto required by such Auditor, he shall be liable for every such Refusal or Neglect to forfeit Forty Shillings, to be recovered as Penalties and Forfeitures under the said first-recited Act, or if he wilfully make or sign a false Declaration in respect of such Accounts he shall be liable to the Penalties of Perjury.

XXXIV. And be it enacted, That in every Case in which before the passing of this Act any Balance has been struck by any Auditor in the Account of any Officer of any Parish or Union, and such Balance has not been paid nor any Proceedings commenced before the passing of this Act for the Recovery thereof, it shall be lawful, on the Application of the Officers of any Parish or of any Board of Guardians of any Union, and in all other Cases of disputed Accounts relating to the Expenditure and Management of the Fund for the Relief of the Poor previous to the passing of this Act upon the Application of the Board of Guardians to the said Commissioners, and with the Consent of the said Commissioners, for the Auditor to discharge the Officers for the Time being from the Payment of such Balance; and all Balances struck against any Person, and not so discharged, shall be recoverable, after the passing of this Act, as if the same had been struck and the Amount thereof certified by an Auditor appointed in pursuance of the Provisions of this Act.

Balances found before the passing of this Act may be discharged.

XXXV. And be it enacted, That if any Person aggrieved by any Allowance, Disallowance, or Surcharge by any such Auditor require such Auditor to state the Reasons for the said Allowance, Disallowance, or Surcharge, the Auditor shall state such Reasons in Writing in the Book of Account in which the Allowance, Disallowance, or Surcharge may be made; and it shall be lawful for every Person aggrieved by such Allowance, and for every Person aggrieved by such Disallowance or Surcharge, if such last-mentioned Person have first paid or delivered over to any Person authorized to receive the same all such Money, Goods, and Chattels as are admitted by his Account to be due from him or remaining in his Hands, to apply to the Court of Queen's Bench for a Writ of Certiorari to remove into the said Court the said Allowance, Disallowance, or Surcharge, in the like Manner and subject to the like Conditions as are provided in respect of Persons suing forth Writs of Certiorari for the Removal of Orders of Justices of the Peace, except that the Condition of such Recognizance shall be, to prosecute such Certiorari, at the Costs and Charges of such Person, without any wilful or affected Delay, and if such Allowance, Disallowance, or Surcharge be confirmed, to pay to such Auditor or his Successor, within One Month after the same may be confirmed, his full Costs and Charges, to be taxed according to the Course of the said Court, and except that the Notice of the intended Application, which shall contain a Statement of the Matter complained of, shall be given to such Auditor or his Successor, who shall in return to such Writ return a Copy under his Hand of the Entry or Entries in such Book of Account to which such Notice shall refer, and shall appear before the said Court, and defend the Allowance, Disallowance, or Surcharge so impeached in the said Court, and shall be reimbursed all such Costs and Charges as he may incur

Certiorari for Auditors Allowances or Disallowances.

in such Defence out of the Poor Rates of the Union or Parish respectively interested in the Decision of the Question, unless the said Court make any Order to the contrary; and that on the Removal of such Allowance, Disallowance, or Surcharge the said Court shall decide the particular Matter of Complaint set forth in such Statement, and no other; and if it appear to such Court that the Decision of the said Auditor was erroneous, they shall, by Rule of the Court, order such Sum of Money as may have been improperly allowed, disallowed, or surcharged to be paid to the Party entitled thereto by the Party who ought to repay or discharge the same; and they may also, if they see fit, by Rule of the Court, order the Costs of the Person prosecuting such Certiorari to be paid by the Parish or Union to which such Accounts relate, as to such Court may seem fit; which Rules of Court respectively shall be enforced in like Manner as other Rules of the said Court are enforceable.

Persons aggrieved may apply to Commissioners, who may issue Orders thereupon.

XXXVI. Provided always, and be it enacted, That it shall be lawful for any Person aggrieved as aforesaid by any Allowance, Disallowance, or Surcharge, in lieu of making Application to the Court of Queen's Bench for a Writ of Certiorari, to apply to the said Commissioners to inquire into and to decide upon the Lawfulness of the Reasons stated by the Auditor for such Allowance, Disallowance, or Surcharge, and it shall thereupon be lawful for the said Commissioners to issue such Order therein, under their Hands and Seal, as they may deem requisite for determining the Question.

Cessation of Powers of Justices to audit.

XXXVII. And be it enacted, That in every District for which an Auditor may be appointed under the Provisions of this Act the Powers of Justices of the Peace and of all other Persons to examine, audit, allow, or disallow Accounts shall, so far as relates to any Accounts which such Auditor is authorized to examine and audit, cease, and the same are hereby repealed: Provided always, that where any Union or Unions and Parishes have been already combined by the said Commissioners under the Provisions of the said first-recited Act for the Appointment of an Auditor, and such an Auditor has been appointed, or where any Person has been appointed Auditor for more than One Union, it shall be lawful for the said Commissioners to continue such Auditor in Office, and such District shall be deemed to have been formed, and such Unions to have been formed into a District, and such Auditor to have been appointed respectively under this Act: Provided also, that if the said Commissioners subsequently add any Parish or Union to any District now formed or to be formed after the passing of this Act, or which is to be deemed to be formed under this Act, or separate any Parish or Union therefrom, such Addition or Separation shall not vacate the Appointment of any Auditor appointed previously to such Addition or Separation, but it shall be lawful for the Commissioners to continue such Auditor in Office for such increased or diminished District without any Re-election of such Auditor.

Existing District Auditors may be retained.

Proviso.

Accounts may be rendered half-yearly.

XXXVIII. And be it enacted, That so much of the said first-recited Act as provides that Accounts shall be made and rendered not less frequently than once in every Quarter shall be and is hereby repealed; and such Accounts shall be made and rendered

at such Times and as often as the said Commissioners may direct, but not less often than once in every Half Year.

XXXIX. And be it enacted, That on Application of any Overseer, or of any Board of Guardians, or of any Attorney at Law, it shall be the Duty of the Clerk of the Peace of the County or Place, or his Deputy, if thereunto required, to tax any Bill due to any Solicitor or Attorney in respect of Business performed on behalf of any Parish or Union situate wholly or in part within such County or Place; and the Allowance of any Sum on such Taxation shall be *primâ facie* Evidence of the Reasonableness of the Amount, but not of the Legality of the Charge; and the Clerk of the Peace shall be allowed for such Taxation after the Rate to be fixed from Time to Time by the Master of the Crown Office, and declared by an Order of the said Commissioners; and if any such Bill be not taxed before it is presented to the Auditor, the Auditor's Decision on the Reasonableness as well as the Legality of the Charges shall be final.

Taxation and Allowance of Law Bills.

XL. And be it enacted, That it shall be lawful for the said Commissioners, as and when they may see fit, by Order under their Hands and Seal, to combine Unions, or Parishes not in union, or such Parishes and Unions, into School Districts, for the Management of any Class or Classes of infant Poor not above the Age of Sixteen Years, being chargeable to any such Parish or Union, who are Orphans, or are deserted by their Parents, or whose Parents or surviving Parent or Guardians are consenting to the placing of such Children in the School of such District; but the said Commissioners shall not include in any such District any Parish any Part of which would be more than Fifteen Miles from any other Part of such District: Provided always, that when the Relief of the Poor has been hitherto administered in any Parish or united Parishes by Guardians appointed under a Local Act, and not by Overseers of the Poor, if such Parish or united Parishes, according to the last Enumeration of the Population published by Authority of Parliament, contain more than Twenty thousand Persons, it shall not be lawful for the said Commissioners, without the Consent in Writing of the Majority of such Guardians, to include such Parish or united Parishes in a School District.

Parishes and Unions may, within certain Limits, be combined into School Districts.

XLI. 'And whereas it is expedient that more effectual Means should be provided for the temporary Relief of poor Persons found destitute and without Lodging within the District of the Metropolitan Police, or the City of London, and the City, Towns, and Boroughs named in the Schedule annexed to this Act, and for avoiding the Introduction of infectious Disease, by the Reception of such poor Persons into the Workhouses established for the ordinary Relief of the Poor within such Districts and Places;' be it enacted, That it shall be lawful for the said Commissioners, as and when they may see fit, by Order under their Hands and Seal, to declare so many Parishes or Unions, or Parishes and Unions, any Part of which may be within the District of the Metropolitan Police, or the City of London, or within the Limits respectively of the City, Towns, or Boroughs named in the Schedule marked (B.) annexed to this Act, as such Limits are described in an Act passed in the Third Year of the Reign of King William

Districts for providing Asylums for houseless Poor may be formed in the Towns specified in Schedule (B.)

the Fourth, "to settle and describe the Division of Counties, and the Limits of Cities and Boroughs, in *England* and *Wales*, so far as respects the Election of Members to serve in Parliament," to be combined into Districts for the Purpose of providing and managing Asylums for the temporary Relief and setting to work therein of destitute houseless Poor who are not charged with any Offence, and who may apply for Relief, or become chargeable to the Poor's Rates within any such Parish or Union.

Constitution
of the District
Boards for
Schools and
Asylums.

XLII. And be it enacted, That a Board shall be constituted for every District formed under this Act for the Maintenance of a School or of an Asylum; and every District Board so constituted shall respectively consist of Members to be elected from amongst the Persons rated within the District to the Relief of the Poor; and the said Commissioners shall fix the Qualification of such Members, such Qualification to consist in being rated within the District to the Relief of the Poor, but not so as to require a Qualification exceeding the net annual Value of Forty Pounds; and such Members shall be elected at such Periods not exceeding Three Years, and in such Proportions and in such Manner, as the said Commissioners may from Time to Time direct, by the Guardians of every Parish or Union governed by a Board of Guardians under the Provisions of the said first-recited Act or of any Local Act, and if there be no such Guardians then by the Overseers of a Parish not governed by such Guardians; and the Chairman of every Board of Guardians constituted under the Provisions of the said first-recited Act shall, if he consent thereto, be *ex officio* a Member of any District Board constituted under the Provisions of this Act.

Powers and
Duties of Dis-
trict Boards.

XLIII. And be it enacted, That every such District Board shall have such of the Powers of Guardians for the Relief and Management of the Poor within any School or Asylum, and for the Appointment, Payment, and Control of paid Officers, as the said Commissioners may direct; and the legal and reasonable Orders of such District Board shall be obeyed and Obedience thereto enforced in the same Manner and by the same Remedies and Penalties as the legal and reasonable Orders of Guardians; and it shall be lawful for the said Commissioners, with the Consent in Writing of a Majority of any District Board, to direct such District Board to purchase or hire or build, and to fit up and furnish, a Building or Buildings, of such Size and Description, and according to such Plan, and in such Manner as the said Commissioners may deem most proper, for the Purpose of being used or rendered suitable for the Relief and Management of the Poor to be received into such School or Asylum; and the said Commissioners may, with the like Consent, alter the District for which such District Board was originally constituted, by adding thereto or taking therefrom any Parish or Parishes, Union or Unions, as aforesaid; and the said Commissioners shall have the same Powers for regulating the Proceedings of any District Board or of any Committee thereof, and for directing and regulating the Appointment, Duties, Remuneration, and Removal of paid Officers to be appointed by any District Board, as they have with respect to the Proceedings of Boards of Guardians, or with respect to paid Officers to be appointed by any Board of Guardians; and every such Board for a School District shall appoint.

appoint, with the Consent of the Bishop of the Diocese, at least One Chaplain of the Established Church as one of the paid Officers aforesaid, who shall be empowered to superintend the religious Instruction of all the infant Poor being under the Control of such District Board; and it shall be lawful for the said Commissioners to issue Rules and Regulations for the Government of any such School or Asylum, and the Inmates thereof, as if such School or Asylum were a Workhouse, and any Orders or Regulations of the said Commissioners made in pursuance of this Act shall be enforced in the same Manner and by the same Penalties as if the same were an Order or Regulation made in pursuance of the said first-recited Act; Provided always, that no Rules, Orders, or Regulations of the said Commissioners, nor any Regulations made by such District Board, shall oblige any Inmate of any such School or Asylum to attend any religious Service which may be celebrated in a Mode contrary to the religious Principles of such Inmate, nor shall authorize the Education of any Child in any religious Creed other than that professed by the Parents or surviving Parent of such Child, and to which such Parents or surviving Parent may object, or, in the Case of an Orphan or deserted Child, to which his next of Kin may object: Provided also, that it shall be lawful at all reasonable Times of the Day, according to Rules and Regulations to be made for this Purpose by the said Board, for any Minister of the religious Persuasion professed by an adult Inmate, or of the religious Persuasion in which any Child has been brought up, or in which the Parents, or surviving Parent, or next of Kin, as the Case may be, may desire such Child to be instructed, to visit the School or Asylum, at the Request of such adult Inmate, for the Purpose of affording to him religious Assistance, or to visit such Child for the Purpose of instructing such Child in the Principles of his Religion: Provided also, that it shall be lawful at all Times for any Inspector of Schools appointed by Her Majesty in Council to visit such Schools, and to examine into the Proficiency of the Scholars therein.

XLIV. And be it enacted, That for the Purpose of providing a Building for such School or Asylum it shall be lawful for such District Board, subject to the Order of the said Commissioners, to exercise the Powers given to Boards of Guardians by the said first-recited Act or any other Act or Acts for the Purchase and Hire of Lands and Buildings, and to borrow, in like Manner as is provided in the said first-recited Act or in any other Act or Acts, such Sum or Sums of Money as may be necessary for the Purpose of purchasing any Site, or purchasing, hiring, or building, and of fitting up and furnishing such Building or Buildings as aforesaid, and to charge the future Poor Rates of the Parishes or Unions, or Parishes and Unions so combined as aforesaid, with the Payment of such Sum or Sums of Money, and Interest thereon: Provided always, that the Consent of any Rate-payers or Owners of Property of any Parish shall not be necessary to any Sale, Exchange, Lease, or other Disposal by Guardians or Overseers to or with any such District Board of any Workhouse, Tenement, Building, or Land: Provided also, that the Principal Sum or Sums to be raised for the Purpose of providing any such Building or Buildings as aforesaid, and charged on any Union, or on any Parish not included in a

Powers of District Board for purchasing and Hire of Land, &c.

Sums to be raised for providing Schools or Asylums not

Union,

to exceed One Fifth Part of the average annual Rates.

Union, shall in no Case exceed One Fifth of the average annual Amount of the aggregate Expenditure relating to the Relief of the Poor within any such Union, or of the like Expenditure within any such Parish for Three Years ending the Twenty-fifth Day of *March* next preceding the raising of such Money; provided also, that the Principal Sum or Sums required for the Purpose of providing any such Building or Buildings shall, if the same be borrowed, be repaid, with all Interest thereon, within a Period not exceeding Twenty Years.

District Board to hold Property of District as a Corporation.

XLV. And be it enacted, That every such District Board shall be enabled to accept, take, and hold, on behalf of the District for which they act, any Lands, Buildings, Goods, Effects, or other Property, as a Corporation, and in all Cases to sue and be sued as a Corporation, by the Name of the Board of Management of the District School or Asylum, as the Case may be.

Payment of Contributions to District Boards.

XLVI. And be it enacted, That every District Board for the Management of any School or Asylum shall from Time to Time call on the Parishes and Unions included in such District for such Contributions as they may deem requisite for the Purposes of this Act; and Notice in Writing of the Amount of such Contributions, purporting to be signed by the Clerk or other Officer of such District Board, in any Form prescribed by the said Commissioners, shall, Fourteen Days at least before such Contribution becomes due, be forwarded, by Post or otherwise, to the Clerk to the Board of Guardians of any Union, and to Two at least of the Overseers or other Officers authorized to make and levy Rates for the Relief of the Poor in every Parish from whom such Contributions or any Part thereof will become due; and if such Contributions are not duly paid to the Treasurer of such District Board, such District Board shall, in addition to any other Remedy which now is or hereafter may be given to any Persons against any Board of Guardians, have the like Remedy for Recovery of the same from the Overseers or other Officers authorized to make and levy the Rates for Relief of the Poor of the several Parishes, whether comprised in an Union or otherwise, and which may form Part of the District for which such District Board may act, as are given to Guardians for the Recovery from Overseers of the Contributions of Parishes; and in case of any Addition or Separation of Parishes or Unions, the said Commissioners shall ascertain the proportionate Value of Property and Amount of Obligations of every Parish or Union affected by the Change, and shall fix the Amount to be received or paid, or secured to be paid, by every such Parish or Union.

Distribution of Charges for Schools.

XLVII. And be it enacted, That the Expences incurred by any District Board in the Purchase or Hire of any Building or Buildings to be used as a School, or in erecting, repairing, adding to, or fitting up any Building, and in the Purchase of Utensils and Materials for the Employment of the Inmates of such School, or of Books and other Objects and Things necessary for the Instruction of such Inmates, and the Salaries of the Officers and Servants of the Establishment, and all other Expences incurred on the common Account of the Parishes or Unions, or Parishes and Unions, so united for the Management of any Class of infant Poor, or incidental to the Discharge of the Duties of such District Board, shall

shall be paid by such Unions in the Proportion of the Averages last declared for every such Union, and by such Parishes in the Proportion of the average Expenditure of every such Parish for the like Period and Purposes as those to which the declared Averages of such Unions shall relate; and the said Commissioners shall from Time to Time, by Order under their Hands and Seal, ascertain and declare the Proportion and Rates of Contribution in the above respects of every such Parish and Union; and that all other Expences incurred in the Relief of the Children under the Management of such District Board shall be separately charged by such District Board to the Parish or Union from which each such Child may be sent.

XLVIII. And be it enacted, That the Expences incurred by every such District Board in the Purchase or Hire of any Building or Buildings, or in erecting, repairing, adding to, or fitting up any Building as an Asylum, and in the Purchase of Utensils and Materials for the Employment of the Inmates of such Asylum, and other Objects and Things necessary for the Relief of such Inmates, and the Salaries of the Officers and Servants of the Establishment, and all other Expences incurred by such District Board in the Relief of the Poor, or in the Management of such Asylum, or incidental to the Discharge of the Duties of such District Board, shall be charged by such District Board upon the Parishes or Unions, or Parishes and Unions, comprised in such District, in proportion to the annual Value of Messuages, Lands, Tenements, and Hereditaments upon which such Parishes and the Parishes combined in such Unions are respectively assessed to the County or Borough Rate, or other Rate in the Nature of a County or Borough Rate; and where any Parish or Place comprised in such District does not contribute in respect of the whole thereof to any County or Borough Rate, the said Expences shall be paid by such Parish or Place in proportion to the net annual Value of all the Property therein assessed to the Rates for the Relief of the Poor; and any Information necessary for the Distribution of such Charge shall be furnished, on Demand of such District Board or of the said Commissioners, by every Parish Officer, and by every Clerk of the Peace, Town Clerk, or other like Officer of any County, City, Town, or Borough, or other Place raising Rates in the Nature of County or Borough Rates.

Distribution
of Charges for
Asylums.

XLIX. And be it enacted, That the Poor Law Commissioners shall appoint some Person, being at the Time the Auditor of some Parish or Union situated within the District for which any District Board for any School or Asylum may be appointed, who shall be the Auditor of such District, and shall be empowered and required to audit the Accounts of each District Board, and of the Officers of such District Board; and the Salary of every such Auditor of a District shall be paid by the District Board thereof; and the said Commissioners shall have the same Powers for regulating the Duties and Remuneration of such Auditors as they have with respect to paid Officers appointed by any Board of Guardians; and it shall be lawful for the said Commissioners, as they may see fit, to remove any Auditor of such District, and in case of Vacancy to appoint another Person as aforesaid to the Office; and every District Board constituted under this Act, and every Officer of such

Appointment
of Auditors for
District Boards.

such District Board, shall, twice in the Year at least, at such Time and in such Manner and Form as may be prescribed by the Poor Law Commissioners, account to the Auditor appointed as aforesaid; and such Auditor shall have all the Powers of allowing and disallowing any Charges in such Accounts as are or may hereafter be given to Auditors under the Provisions of the said first-recited Act or any other Act for the Audit of Accounts relating to Rates for the Relief of the Poor; and all Sums disallowed or reduced, or charged as Balances against any Person by such Auditor, shall be recovered, on the Application of such Auditor (which Application he is hereby empowered to make), in the same Way as Penalties and Forfeitures under the said first-recited Act, from the Person making or authorizing such illegal Payment; and within Thirty Days of such Audit each District Board shall cause to be printed, and shall forward by Post or otherwise to each Board of Guardians, and to the Officers of every Parish within their District, an Abstract of the Accounts of their District, so audited, in such Form as the Poor Law Commissioners may direct.

Guardians may visit and inspect Asylums.

L. And be it enacted, That every Guardian of every Union or Parish included in any such District formed for the Maintenance of an Asylum shall at all reasonable Times be entitled to enter the Asylum of such District, and inspect any Part thereof, and enter his Remarks thereon in a Book to be kept for that Purpose.

Children may be sent to District Schools from Parishes and Unions not combined, but not distant more than Twenty Miles.

LI. And be it enacted, That in any Case where a Parish or Union is not combined in a School District, and where any Part of such Parish or Union is not more than Twenty Miles from a District School, the Board of Guardians of such Parish or Union may, with the Consent of the Board of such District, send to such District School any infant Poor not above the Age of Sixteen Years, being chargeable to any such Parish or Union, who are Orphans, or are deserted by their Parents, or whose Parents or surviving Parent or Guardians are consenting thereto; and the Costs of the Maintenance, Employment, and Instruction of such infant Poor in such District Schools shall be paid by such Board of Guardians to such District Board, according to such Rates and at such Times and in such Manner as may be agreed upon by the said Boards, with the Approbation of the said Commissioners; and such infant Poor while at such District School shall be subject to the Control and Management of such District Board and their Officers, in like Manner as if the said Parish or Union were combined in such School District by virtue of this Act.

Repeal of the Acts 7 G. 3. c. 39. and 2 G. 3. c. 22.

LII. And be it enacted, That the Provisions of the Act passed in the Seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better Regulation of the Parish poor Children of the several Parishes therein mentioned within the Bills of Mortality*, and of an Act passed in the Second Year of the Reign of His said late Majesty, intituled *An Act for the keeping regular, uniform, and annual Registers of all Parish poor Infants under a certain Age within the Bills of Mortality*, shall be and are hereby repealed.

Class of destitute Poor to be relieved in such Asylum.

LIII. And be it enacted, That every District Board for the Management of any Asylum under this Act shall make Provision for the temporary Relief and setting to work therein of any poor Person found destitute within any such District, not professing to be

be settled in any Parish included therein, and not known to have any Place of Abode there, and not being charged with any Offence under the Provisions of an Act passed in the Fifth Year of His late Majesty King George the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England, or of any other Act*; and subject to any Regulations of the said Commissioners, every such District Board or any Committee thereof may direct the Mode of Admission of such poor Persons to the Asylum of such District; and it shall be lawful for any Constable of the Metropolitan Police, or of the Police of the City of London, or any Constable of the Police acting under the Chief Constable of any County, District, or Division, or any Constable of the City, Towns, or Boroughs respectively named in the Schedule marked (B.) annexed to this Act, personally to conduct any such poor Person found wandering abroad within any District to any Asylum established in such District in pursuance of this Act, and such poor Person shall, if there be Room in such Asylum, be temporarily relieved therein; and the Serjeant of Police or Constable conducting such poor Person shall sign his Name in a Column, headed to the following Effect, in a Book to be kept, in such Form and Manner as the said Commissioners may from Time to Time direct, by some Officer of every such Asylum, in which shall be entered the alleged Names of all poor Persons admitted:

‘ WE, the undersigned Constables of the Metropolitan Police [or of the Police of the City of London, or Constable, &c., as the Case may be], do severally declare, so far as each of us is concerned therein, that we have conducted the poor Persons (whose alleged Names are set opposite our respective Signatures) to the Asylum of District, the said poor Persons having been by us found wandering abroad, and apparently destitute, and not having committed or being charged with any Offence punishable by Law, within our Knowledge.’

And every such Book, purporting to be signed and to be certified at the Foot of the Page by the Officer keeping the same, shall be received in all Courts of Justice as sufficient Evidence of the Fact that the poor Persons described therein were chargeable to the said District at the Time of their Admission, and, if not contradicted by other Evidence, of such other Particulars as are therein duly recorded; and all poor Persons admitted into any such Asylum shall, if they desire it, be relieved with Food and Lodging for the Night succeeding such Admission; but no such poor Person shall be detained against his Will for any longer Space of Time than until the ordinary Hour of Breakfast of the Day next succeeding his Admission, and Four Hours afterwards, unless such poor Person, since his Admission, have become lawfully punishable for Misbehaviour within such Asylum, in which Case it shall be lawful to detain such poor Person for a Space of Time sufficient for such Punishment; but no poor Person shall be punished for any Offence or Misbehaviour in any Asylum by Confinement for any longer Space of Time than Twenty-four Hours, and such longer Space of Time as may be necessary in order to have such Person before a Justice of the Peace; and if any poor Person so admitted as aforesaid shall be disabled by Sick-

5 G. 4. c. 83.

Mode of Admission into Asylum.

Regulations with respect to poor Persons admitted into such Asylums.

ness, or shall be unwilling to depart from such Asylum, he may receive Relief therein, if he consent to remain, and conform to the Rules of the House, until the next Meeting of the District Board or of some Committee (which such District Board, subject to the Rules of the said Commissioners, is hereby authorized to appoint), who shall give such Directions respecting such poor Person as they may deem right, by discharging him from such Asylum, with a Direction to apply for Relief in the District where he has dwelt, or otherwise as to them may seem fit: Provided always, that, except under a medical Certificate of Sickness, it shall not be lawful for the Officers of any such Asylum to relieve any poor Person for a longer Period continuously in such Asylum than is sufficient to enable his Case to be decided by the District Board or Committee as aforesaid: Provided also, that if any Person received into such Asylum shall wilfully give a false Name, or make a false Statement, or shall be proved to have given Two or more different Names on Two or more different Occasions, when so received into any such Asylum, such Person not having lawfully changed her Name in consequence of Marriage, such Person shall be deemed a Rogue and Vagabond within the Meaning of the said Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of the United Kingdom called England.*

5 G. 4. c. 83.

Liabilities of
Persons relieved
in such Asyl-
lums.

LIV. And be it enacted, That every poor Person relieved in any Asylum under the Management of any District Board shall be liable to the same Obligations in respect of the Relief afforded to him as if the same were afforded in any Workhouse, and shall be subject to the same Punishment and Penalties as are provided by an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act to prevent poor Persons in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons, in certain Cases, for a longer Period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor,* or under any other Act or Acts, for Refusal or Neglect to work, in pursuance of any Regulations or Directions prescribing a Task of Work, or for wilfully destroying or injuring his own Clothes or any Property, or for absconding with any Clothes or other Articles provided by such District Board, or for damaging any of the Property of such District Board, or for any Misbehaviour in such Asylum, by Disobedience of the Rules and Regulations in force therein, or otherwise, as if he were relieved or set to work in any Workhouse under the Control of a Board of Guardians acting under the Orders and Regulations of the said Commissioners in pursuance of the said first-recited Act: Provided always, that nothing in this Act contained shall relieve any Guardian, Overseer, Relieving Officer, or Master of a Workhouse from any Obligation now imposed upon him by Law with regard to the Relief of Cases of sudden and urgent Necessity, or shall prevent the Reception into a Workhouse of any Person labouring under dangerous Illness, or shall authorize the Transfer to an Asylum of any Person received into such Work-

55 G. 3. c. 137.

house in a Case of dangerous Illness, unless with the Certificate in Writing of a Medical Man duly licensed to practise, to the Effect that such Person is then in a fit State to be removed, and stating the Manner in which such Person, in the Opinion of such Medical Man, may be safely removed.

LV. And be it enacted, That if any poor Person return and become chargeable in the Asylum of any District after Removal from any Parish in such District, he shall be deemed to have returned and become chargeable, without any Certificate, to the Parish whence he has been legally removed by Order of Two Justices of the Peace, within the Meaning of the said Act made and passed in the Fifth Year of King *George the Fourth*, intituled *An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England*.

Penalty for returning after Removal.

5 G. 4. c. 83.

LVI. And be it enacted, That, for the Purposes of Relief, Settlement, and Removal of poor Persons, and the Burial of the Poor, the Workhouse of any Union or Parish, and every such District School, shall be considered as situated in the Parish to which each poor Person respectively to be relieved, removed, or buried, or otherwise concerned in any such Purpose, is or has been chargeable: Provided always, that every Birth and Death within any such Workhouse or Building shall be registered in the Parish or Place in which such Workhouse or Building is locally situated; and all Fees for registering Births and Deaths in any such Workhouse or Building shall be charged by the Guardians to the Parish or Union to which the Person dying or the Mother of the Child respectively is chargeable.

Workhouse to be deemed to be situate in every Parish of an Union, &c.

LVII. And be it enacted, That if any Person be convicted before any Justice or Justices of any Offence committed in any Workhouse, while maintained therein, or of absconding from any Workhouse, and carrying away Clothes or other Property therefrom, and be liable to be committed for such Offence to any Gaol or House of Correction, it shall be lawful for the Justice or Justices before whom such Person is convicted to commit such Person to the Common Gaol or House of Correction of the County or Place in which the Parish is situated to which such Person at the Time of the Commission of the Offence was chargeable, notwithstanding that such Workhouse may not be situated in such County or Place, and notwithstanding that such Justices may not be Justices of such County or Place; and if such Person have not Goods or Money within such County or Place sufficient to bear the Charges of himself and those who convey him, then such Charges shall be defrayed at the Expence of the County, Place, or Parish, according to the Provisions of an Act passed in the Twenty-seventh Year of the Reign of King *George the Second*, intituled *An Act for the better securing to Constables and others the Expences of conveying Offenders to Gaol; and for allowing the Charges of poor Persons bound to give Evidence against Felons; provided that in Cases of such Conviction and Committal as aforesaid all further Proceedings in respect thereof may be taken; and the Costs and Charges of such Proceedings, and for the Maintenance of such Offender in such Gaol or House of Correction, shall be payable in like Manner and under the like Authority*

Committal of Offenders in Workhouses to the Gaol of the Place to which the Offenders belong.

27 G. 2. c. 3.

as such Proceedings would have been taken, or as such Costs and Charges would have been payable, in case the Offence had been committed within the Parish or Place to which such Offender was chargeable at the Time when he committed such Offence.

Punishment of
Persons in
Workhouses
for Misconduct.

LVIII. ' And whereas by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, it is enacted, that if any Person or Persons shall desert or run away from any Workhouse or Workhouses, and carry away with him, her, or them any Clothes, Linen, or other Goods as aforesaid, such Person or Persons, being thereof lawfully convicted, either by the Confession of such Party or Parties, or by the Oath or Oaths of One or more credible Witness or Witnesses, before any Justice or Justices of the Peace, shall by such Justice or Justices of the Peace be forthwith committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for the Space of Three Calendar Months; and it is further enacted, that in case any Person or Persons maintained in any public Workhouse or Workhouses established for the Relief, Maintenance, and Employment of the Poor shall refuse to work at any Work, Occupation, or Employment suited to his, her, or their Age, Strength, and Capacity, or shall be guilty of Drunkenness or other Misbehaviour, every such Person or Persons, being thereof lawfully convicted before any Justice or Justices of the Peace, shall thereupon by such Justice or Justices of the Peace be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for any Period of Time not exceeding Twenty-one Days, and during such Time to be kept to hard Labour: And whereas it is desirable that Justices of the Peace should have a Power to commit such Persons as are first mentioned for a Period less than Three Months, and such Persons as are last mentioned for a Period greater than Twenty-one Days, in Cases of repeated Offences; be it therefore enacted, That it shall be lawful for any Justice or Justices to commit any such Person as is first mentioned to the Common Gaol or House of Correction, to be kept there in the Manner provided by the said recited Act for any Period not less than Seven Days nor greater than Three Months, and to commit any such Persons as are last mentioned, in case such Persons have been before convicted of a like Offence, to the Common Gaol or House of Correction, in manner provided by the said Act, for any Period not exceeding Forty-two Days.

Costs of certain
Civil and Criminal
Proceedings to be paid
out of Poor
Rates.

LIX. And be it enacted, That it shall be lawful for any Board of Guardians or District Board to pay out of the Funds in their Hands the reasonable Costs of the Apprehension and of the Prosecution of any Person who, according to the Laws in force at the Time being, is charged with refusing or neglecting to maintain himself or his Family, or with running away and leaving his Family chargeable, or whereby such Family has become chargeable, or with wilfully neglecting or disobeying the Rules, Orders, and Regulations of the Poor Law Commissioners, or with any Offence or Misbehaviour in any Workhouse, or with deserting or running away from any Workhouse, and carrying away Clothes, Linen, or other Goods or Things belonging to any Workhouse, or given or procured or provided as or for Relief, or with Neglect or

Disobedience of the reasonable and lawful Orders of Justices or Guardians, or of any District Board, in the Administration of the Laws relating to the Relief of the Poor, or with obstructing or assaulting any Officer engaged in the Administration of the Laws for Relief of the Poor, or with fraudulently obtaining, stealing, purloining, embezzling, wasting or injuring, or wilfully misapplying, any Property applicable to or connected with the Relief of the Poor, or with any Offence directly affecting the Administration of the Laws for the Relief of the Poor, and the reasonable Costs of apprehending and prosecuting any Officer who may have been employed in the Administration of the Laws for the Relief of the Poor, for any Neglect or Breach of any Duty of his Office, or for any Maltreatment or Abuse of any poor Person; and, subject to the Approval of the said Commissioners, every Board of Guardians or District Board shall pay the Costs of all legal Proceedings taken by any Auditor, or under his Direction, for the Protection of the Poor Rates or Property of any Parish, Union, or District, or taken by any other Person whom the Board of Guardians or District Board have authorized or directed to institute such Prosecution or legal Proceedings; and to the Extent to which any such Costs may not be repaid by the offending or other Party, or from the County, Liberty, or Borough Rates, the Guardians of any Union then may, in any of the Cases aforesaid, having due Regard to the Circumstances of the Case, and subject to the Approval of the Poor Law Commissioners, charge such Expences, either to the common Funds of the Union, or to any Parish or Parishes comprised therein; and the District Board of any District may, having like Regard to the Circumstances of the Case, and subject to the like Approval of the Poor Law Commissioners, charge such Expences, either to the Funds of the whole of such District, or on any One or more of the Unions and Parishes comprised therein.

LX. And be it enacted, That the Costs, Charges, and Expences properly incurred by the Officers of the Parish in making out, preparing, printing, and collecting the Lists of Persons qualified to serve on Juries, according to the Provisions of the Act in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*, and relating thereto, shall be paid and allowed to them out of the Poor Rates of the Parish, together also with all Expences properly incurred by the same Officers on the Perambulation of the Parish, and in setting up and keeping in proper Repair the Boundary Stones of the Parish, provided that such Perambulations do not arise more than once in every Three Years.

LXI. And whereas by an Act passed in the Third Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to amend the Laws relating to the Assessment and Collection of Rates for the Relief of the Poor*, it was amongst other things enacted, "that all Orders heretofore made and issued under the Hands and Seals of the Poor Law Commissioners, and not rescinded by them or quashed before the Sixth Day of *May* in the present Year, by which the said Commissioners may have directed the Overseers or Guardians of any Parish or Union to

Expences of Jury Lists and Boundaries of Parishes may be paid out of Poor Rates. 6 G. 4. c. 50.

Collectors appointed by Guardians may be appointed to perform the Duties of Assistant Overseers. 2 & 3 Vict. c. 84.

4 & 5 W. 4. c. 76.

59 G. 3. c. 12.

' appoint any Person to collect the Rates for the Relief of the
 ' Poor in any Parish or Parishes, or shall have defined or specified
 ' or directed the Execution of the Duties of such Person, or the
 ' Places or Limits within which the same shall be performed, or
 ' shall have directed the Mode of Appointment, or determined
 ' the Continuance in Office or Dismissal of any such Person from
 ' his Office, or the Amount or Nature of the Security to be given
 ' by any such Person, or shall have regulated the Amount of
 ' Salary payable to any such Person, or the Time or Mode or the
 ' Proportions of Payment thereof, shall be deemed and the same
 ' are hereby declared to have the same Force and Validity as if
 ' the same had been warranted by an Act passed in the Fourth
 ' and Fifth Years of the Reign of His late Majesty King *William*
 ' the Fourth, intituled *An Act for the Amendment and better*
 ' *Administration of the Laws for the Relief of the Poor*; and the
 ' Commissioners shall have the same Powers and Authorities with
 ' respect to all such Orders, and to the Persons appointed in
 ' pursuance thereof, as they have with respect to Orders made and
 ' issued, and the paid Officers appointed, under the Provisions of
 ' the said Act; and that every Person appointed by Guardians of
 ' the Poor under any such Order of the said Commissioners shall
 ' have the like Powers, Authorities, Privileges, Immunities, Pro-
 ' tections, and Remedies, in and for the Performance of his Duty
 ' under such Order, as are by Law given to Overseers of the Poor
 ' in the Performance of the like Duty;" and it is expedient that
 ' such Collectors should in certain Cases be invested with other of
 ' the Duties of Overseers of the Poor;" be it enacted, That the
 ' Inhabitants in Vestry assembled of any Parish situated within
 ' the District for which any Collector or Assistant Overseer ap-
 ' pointed under any Order of the said Commissioners now acts may
 ' appoint such Collector or Assistant Overseer to discharge all the
 ' Duties of an Overseer of the Poor, in addition to those of Collector
 ' of Poor Rates for such Parish, and in the same Manner as if he
 ' were appointed thereto as an Assistant Overseer under the Pro-
 ' visions of an Act passed in the Fifty-ninth Year of the Reign of
 ' His late Majesty King *George* the Third, intituled *An Act to*
 ' *amend the Laws for the Relief of the Poor*; and wherever any
 ' such Collector or Assistant Overseer has been or may be appointed
 ' under any Order of the said Commissioners, and whilst the said
 ' Order remains in force, the Powers of any Vestry or Parish Officers
 ' or of any other Persons, other than the Board of Guardians of
 ' such Parish or Union (if a Board of Guardians have been con-
 ' stituted), to appoint any Collector or Assistant Overseer, and (if
 ' so directed by the said Commissioners) every Appointment under
 ' such Powers shall cease: Provided always, that where the Ap-
 ' pointment of such Assistant Overseer shall have been made under
 ' the Powers of any Local Act of Parliament of a Parish containing
 ' more than Twenty thousand Persons such Appointment shall con-
 ' tinue, and the Powers of such Local Act, as to any future Appoint-
 ' ment of an Assistant Overseer, shall be exercised, but subject
 ' always to the Powers of the Poor Law Commissioners, notwith-
 ' standing the Provisions of this Act: Provided always, that no
 ' Overseer shall be discharged by the Appointment of any such
 ' Collector or Assistant Overseer from his Responsibility for the
 ' Provision

Provision and Supply of Monies necessary for the Relief of the Poor, or for any of the Purposes to which the Rates made for the Relief of the Poor may be by Law applicable; and every Collector appointed or to be hereafter appointed as aforesaid, and every Assistant Overseer appointed or hereafter to be appointed, in pursuance of the said Act of the Fifty-ninth Year of the Reign of King George the Third, or of the Orders of the said Commissioners, shall, subject to the Rules of the Poor Law Commissioners, obey, in all Matters relating to the Duties of Overseer, all Directions of the Majority of the Overseers of the Parish for which he acts; and the said Commissioners shall have the same Powers with respect to all Collectors or Assistant Overseers as are given to them by the said first-recited Act with respect to paid Officers; and every Collector or Assistant Overseer appointed as aforesaid shall be bound to give to the Board of Guardians of the Parish or Union, or if there be no such Board of Guardians then to the Overseers of the Parish for which such Collector or Assistant Overseer may act, sufficient Security for the due Performance of his Duties; and no Bond or any other Security entered into in pursuance of this Act, or of the said Act of the Fifty-ninth Year of the Reign of King George the Third, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to, any Stamp Duty whatsoever; and wherever any Parish for which such Collector or Assistant Overseer may be appointed is situated in an Union, or is governed by a Board of Guardians, every Bond or Security given by any Officer, in pursuance of this Act, or of the said Act of the Fifty-ninth Year of the Reign of King George the Third, or of the said first-recited Act, and not contrary to the Rules of the said Commissioners, shall, if the Guardians shall see fit, be put in Suit by the Board of Guardians of the Union in which the Parish or District for which the Officer acts or has acted may be situated, notwithstanding that such Bond or Security may have been originally given to the Overseers of a Parish, or to any other Persons; and every Bond or Security given by or on account of any Officer appointed by any Board of Guardians, for the due Performance of the Office to which he is so appointed, shall remain in full Force and Effect, notwithstanding any Change in District for which such Officer may have been appointed or required to act at the Time when such Bond or Security was given, or the Addition of any Parish to or the Separation of any Parish from such Union since the giving of such Security.

LXII. And be it enacted, That if the Board of Guardians of any Parish or Union make Application to the said Commissioners to direct the Appointment of a paid Collector of the Poor Rates in such Parish or Union, or in any Parish or Parishes of such Union, it shall be lawful for the said Commissioners, by Order under their Hands and Seal, to direct the said Board of Guardians to appoint such a Collector; and the said Commissioners shall have the same Powers with respect to such Collectors as are given to them by the said first-recited Act with respect to paid Officers; and all Powers of the Inhabitants of any Parish in Vestry assembled, or of Justices of the Peace, or of any Persons, other than the Board of Guardians of such Parish or Union, to appoint any

Poor Law Commissioners, on Application of the Board of Guardians, may direct Appointment of paid Collector of Poor Rates.

Collector for any such Parish as aforesaid, and (except when otherwise directed by the said Commissioners) all Appointments under such Powers, shall cease.

Penalty on Overseers neglecting to obtain a Supply of Funds for the Relief of the Poor.

LXIII. And be it enacted, That if the Overseers of any Parish wilfully neglect to make or collect sufficient Rates for the Relief of the Poor, or to pay such Monies to the Guardians of any Parish or Union as such Guardians may require, and if by reason of such Neglect any Relief directed by the Board of Guardians to be given to any poor Person be delayed or withheld during a Period of Seven Days, every such Overseer shall upon Conviction thereof forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds.

In what Manner Guardians under Local Acts shall conduct their Proceedings.

LXIV. And be it enacted, That the Guardians of every Parish or Union acting under any Local Act for the Relief of the Poor shall hold their Meetings once in every Fortnight, or oftener, and in all Matters concerning the Relief of the Poor shall act as a Board at a Meeting, and not individually; and whenever under any such Local Act there is no Person particularly designated or authorized to act as Chairman, such Guardians shall elect and appoint annually, and from Time to Time as Vacancies may occur, a Chairman and Vice Chairman of such Board, and shall at any Meeting at which no Chairman or Vice Chairman is present elect a temporary Chairman to preside at that Meeting: Provided always, that when the Relief of the Poor has been hitherto administered in any Parish by Guardians appointed under a Local Act, and not by Overseers of the Poor, if such Parish, according to the last Enumeration of the Population published by Authority of Parliament, contain more than Twenty thousand Persons, it shall not be lawful for the said Commissioners, after the passing of this Act, without the Consent in Writing of Two Thirds at least of such Guardians, to declare such Parish to be united with any other Parish for the Administration of the Laws for the Relief of the Poor, any thing in the said first recited Act to the contrary notwithstanding; provided, however, that nothing herein contained shall prevent the said Commissioners from including any such last-mentioned Parish in a District for providing and managing an Asylum for the temporary Relief of and setting to work or destitute houseless Poor, or from including such Parish in a District for the Audit of Accounts, under the Provisions of this Act, except as herein-after enacted.

Parishes under Local Acts with a Population exceeding 20,000, not to be united without Consent of Guardians.

Exception as to Vagrant and Audit Districts.

Parishes, with a Population exceeding 20,000, under Local Acts, having adopted the Provisions of 1 & 2 W. 4. c. 60., and Parishes in the Metropolitan District having Auditors, not to be included in any District for Audit of Accounts.

LXV. Provided always, and be it enacted, That where any Parish which is not governed by a Board of Guardians constituted under the said first-recited Act, or comprised in any Union, but is governed by Guardians or Directors under a Local Act, and contains a Population exceeding Twenty thousand Persons, according to the last Enumeration of the Population published by the Authority of Parliament, have before the First Day of January in this present Year adopted and acted upon the Provisions of an Act passed in the Second Year of the Reign of King William the Fourth, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of England and Wales*, and that where any Two or more Parishes situated within the District of the Metropolitan Police, containing together a Population exceeding Twenty thousand, according to

the last Enumeration of the Population published by the Authority of Parliament, have been united for the Purposes of Rating or Settlement under the Provisions of any Local Act, and are governed by Guardians or Directors under such Local Act, and have not been comprised in any Union formed under the Provisions of the said first-recited Act, and have an Auditor or Auditors appointed and acting under any Provisions of such Local Act relating to the Audit of Accounts in such Parishes, it shall not be lawful to include such Parish or such Two or more Parishes respectively in any such District for the Audit of Accounts: Provided always, that it shall be lawful for any Assistant Poor Law Commissioner to be present at any Audit as if the same were a Meeting of a Board of Guardians or Vestry, and to inspect, examine, and take Copies or Extracts from any Books, Accounts, or Vouchers produced at such Audit.

Proviso.

LXVI. 'And whereas it is provided by the said first-recited Act that the said Commissioners may, from Time to Time as they may see fit, by Order under their Hands and Seal, declare any Union not united for the Purposes of Settlement or Rating to be dissolved, or any Parish or Parishes to be separated from or added to any such Union, and that such Union shall thereupon be dissolved, or such Parish or Parishes shall thereupon be separated from or added to such Union accordingly; and it is thereby further provided that no such Dissolution, Alteration, or Addition shall take place or be made unless a Majority of not less than Two Thirds of the Guardians of such Union concur therein; and it is expedient to enable the said Commissioners to separate any Parish or Parishes from any Union, or to add any Parish or Parishes to any Union, without the Concurrence of the Guardians of such Union respectively;' be it enacted, That it shall be lawful for the said Commissioners to exercise the Powers given to them by the said Act for the separating of any Parish or Parishes from any Union formed under the Provisions of the said Act, or for the Addition of any Parish or Parishes to any such Union, without the Concurrence of the Guardians of such Union respectively in such Separation or Addition; and the said Commissioners may, if they see fit, cause a Board of Guardians to be elected under the Provisions of the said Act for any single Parish separated from any Union in pursuance hereof, notwithstanding the Provisions of any Local Act in force in such Parish.

Commissioners may separate Parishes from Unions, or add Parishes to Unions, without the Consent of the Guardians of the Union.

LXVII. And be it enacted, That so much of an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent poor Persons in Work-houses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the Thirty-sixth Year of His present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain Cases for a longer Period than One Month at a Time; and for other Purposes therein mentioned relating to the Poor*, as relates to the giving of Notice of the Intention to enter into Contracts relating to the Relief of the Poor, shall be and the same is hereby repealed.

Repeal of 55 G. 3. c. 137. s. 7. as to Notices of Contracts for supplying Work-houses.

Clerks and Officers may conduct Proceedings before Justices at Petty Sessions on behalf of Boards of Guardians, although not Attornies.

LXVIII. And be it enacted, That, notwithstanding any thing contained in an Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales*, it shall be lawful for any Clerk or other Officer to any Board of Guardians constituted under the said first-recited Act or under any Local Act, or to any District Board, if duly empowered by such Board, to make or resist any Application, Claim, or Complaint, or to take and conduct any Proceedings on behalf of such Board before any Justice or Justices of the Peace at Petty or Special Sessions or out of Sessions, although such Clerk or Officer be not an Attorney or Solicitor, or have not obtained a stamped Certificate in pursuance of the Provisions of the said Act.

Guardians, &c. may make a certain Certificate, which may be received in Evidence, &c.

LXIX. And be it enacted, That it shall be lawful for any Board of Guardians or District Board, at any Meeting thereof, to make a Certificate in the Form or to the Effect contained in the Schedule of this Act marked (C.), and that every such Certificate, and every Copy of a Minute of any Order, Complaint, Claim, Application, or Authority of any such Board of Guardians or District Board, purporting respectively to be signed by the presiding Chairman of such Guardians or District Board, and to be sealed with their Seal, and to be countersigned by their Clerk, shall, unless the contrary be shown, be taken to be sufficient Proof of the Truth of all the Statements contained in such Certificate, and of the Directions respecting such Order, Complaint, Claim, or Application having been given as alleged in the Copy of such Minute, and shall be received in Evidence accordingly by and before all Courts of Justice and all Justices, without any Proof of the Signatures or of the official Characters of the Persons signing the same, or of such Seal, or of such Meeting; and that for the Purpose of making any Order of Removal or other Order no further or other Evidence of Chargeability than such Certificate shall be required, provided that every such Order bear Date within Twenty-one Days next after the Day of the Date of such Certificate.

Justices at Petty Sessions, or out of Sessions, may summon Witnesses, and compel them to attend and give Evidence.

LXX. And be it enacted, That in any Proceedings to be had before Justices in Petty or Special Sessions, or out of Sessions, under the Provisions of this Act or of any of the Acts required to be construed as one Act herewith, if any Party to such Proceedings request that any Person be summoned to appear as a Witness in such Proceedings, it shall be lawful for any Justice to summon such Person to appear and give Evidence upon the Matter of such Proceedings; and if any Person so summoned neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, and if Proof upon Oath be given of personal Service of the Summons upon such Person, and that the reasonable Expenses of Attendance were paid or tendered to such Person, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to require such Person to be brought before him, or any Justices before whom such Proceedings are to be had; and if any Person coming or brought before any such Justices in any such Proceedings refuse to give Evidence thereon, it shall be lawful for such

Justices to commit such Person to any House of Correction within their Jurisdiction, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined, and in case of such Submission the Order of any such Justice shall be a sufficient Warrant for the Discharge of such Person.

LXXI. ' And whereas it is provided by the said first-recited Act that all Rules, Orders, and Regulations made by the said Commissioners under the Authority of the said Act shall be as valid and binding, and shall be obeyed and observed, as if the same were specifically made by and embodied in the said Act; but no sufficient Provision is made for bringing such Orders to the Knowledge of Courts of Justice;' be it therefore enacted, That any Copy of any such Rule, Order, or Regulation, printed by the Printer duly authorized by Her Majesty or any of Her Royal Predecessors or Successors, shall, after the Lapse of Fourteen Days from the Date thereof, be received in Evidence, and judicially taken notice of, and shall, until the contrary be shown, be deemed sufficient Proof that such Order was duly made, and is in force.

Rules, &c. printed by the Printer authorized by Her Majesty to be received in Evidence.

LXXII. ' And whereas it is provided by the said first-recited Act that a written or printed Copy of every Rule, Order, or Regulation of the said Commissioners shall, before the same shall come into operation in any Parish or Union, be sent by the said Commissioners by the Post, or in such Manner as the Commissioners shall think fit, sealed or stamped with their Seal, addressed to the Overseers of such Parish, the Guardians of such Union, or their Clerk, and to the Clerk to the Justices of the Petty Sessions held for the Division in which such Parish or Union shall be situate: And whereas the Proof of such sending is often attended with great Expence and Difficulty;' be it enacted, That it shall not in any civil or criminal Proceeding be necessary to prove such sending, except to the Clerk to the Guardians of the Union or of the Parish, or, where there shall be no Guardians, to the Overseers of the Parish within which such Rule, Order, or Regulation is intended to have effect; and that it shall in no Case be necessary to prove such sending, unless reasonable Notice in Writing be given, by the Party requiring such Proof, to the Party upon whom such Proof would lie, that such Proof will be required; and whenever it is proved to the Satisfaction of the Court that the said Rule, Order, or Regulation was sent, and that the Party was cognizant thereof, such Court shall order the reasonable Expences of the Witness or Witnesses proving the same to be paid by the Party who has given such Notice, and such Expences shall be recoverable as Penalties and Forfeitures under the first-recited Act.

Evidence in legal Proceedings of the Transmission of the Commissioners Rules, &c.

LXXIII. And be it enacted, That in all Cases where any Messuages, Lands, or Hereditaments, or any Estates or Interest therein, have or hath been conveyed or assured, or purported to be conveyed or assured, either gratuitously or for valuable Consideration, to or in trust for the Churchwardens and Overseers of the Poor, or the Overseers only, or the Guardians of any Parish or Parishes

Conveyances, &c. for Work-houses to be good, although not enrolled.

respectively, or otherwise for the Benefit of any Parish or Parishes respectively, or to or in trust for the Guardians of any Union, for the Purpose of providing a Workhouse or Asylum, or Workhouses or Asylums, for the Accommodation of the Poor of such Parish or Parishes or Union respectively, every such Conveyance or Assurance shall be deemed good and valid for all Purposes whatsoever, notwithstanding that such Conveyance or Conveyances have not been enrolled pursuant to the Statute passed in the Ninth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act to restrain the Disposition of Lands whereby the same became inalienable*.

9 G. 2. c. 36.

Construction of Act.

5 & 6 Vict. c. 57.

LXXIV. And be it enacted, That this Act shall be construed in the same Manner as the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission*; and for the further Amendment of the Laws relating to the Poor in England, and as one Act with the same, and with the Acts and Provisions thereby required to be construed as one Act; and the Word "Month" shall be taken to mean Calendar Month; and the Words "Clerk of the Peace" shall be taken to mean the Clerk of the Peace or other Officer discharging any of the Duties of Clerk of the Peace for any County, Division of a County, Riding, Borough, Liberty, Division of a Liberty, Precinct, County of a City, City, County of a Town, Town, Cinque Port, or Town Corporate; and the Words "licensed Minister" in the said first-recited Act, and "Minister" in this Act, shall be construed to mean and include every Person in Holy Orders, and also every Person teaching or preaching in any Congregation for religious Worship whose Place of Meeting is certified and recorded according to Law; and, except where it is otherwise expressly provided, all Provisions in any Act now passed or hereafter to be passed, relating to the Officers of Boards of Guardians constituted under the Provisions of the said first-recited Act, or to the Workhouses under the Management of such Guardians, shall apply to all Officers appointed by any District Board, and to all Workhouses under the Management of any District Board.

Extent of Act.

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

When Act to operate.

LXXVI. And be it enacted, That this Act shall come into operation on the Day next after that on which Her Majesty gives Her Assent thereto.

Act may be amended, &c.

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

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

County
Division

Name of Mother of Bastard applying.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all Cases in which Orders are made.
			[Here state if the Summons was never served, or if the alleged Father absconded, or the Complaint was abandoned or heard, and the Order refused, or, if made, the Amount of the Order.]	

I certify the above List to be correct in all Particulars.

(Signed) *A. B.*, Clerk to the Justices.

SCHEDULE (B.)

*City, Towns, and Boroughs.*LIVERPOOL.
MANCHESTER.
BRISTOL.LEEDS.
BIRMINGHAM.

SCHEDULE (C.)

The Board of Guardians of the Poor of the Union [or Parish of] do hereby certify, That on the Day of *A. B.* and his Wife *C. B.*, and his Child *E. B.*, became chargeable to the Parish of in the said Union [or to the said Union].

In testimony whereof the Common Seal of the said Guardians is hereunto affixed at a Meeting of their Board this Day of 18

(L. s.) (Signed) *W. J.*, Presiding Chairman of the said Board.(Countersigned) *C. D.*, Clerk [or acting as Clerk] to the Board of Guardians of

C A P. CII.

An Act to repeal certain Penal Enactments made against Her Majesty's Roman Catholic Subjects.

[9th August 1844.]

WHEREAS Roman Catholics, and Persons professing the Roman Catholic Religion, were, by certain Acts made and passed by the Parliament of *England* and the Parliament of *Great*

‘ *Great Britain*, rendered liable to Punishments, Pains, Penalties, and Disabilities for or on account of their Religious Belief or Profession, to which Punishments, Pains, Penalties, and Disabilities none other of Her Majesty’s Subjects are liable: And whereas it is expedient to amend the Law in this respect: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Acts herein-after mentioned, or so much and such Parts of any of them as are herein-after specified, shall be repealed; (that is to say,)

Certain Acts and Parts of Acts repealed.

5 & 6 Edw. 6.
c. 1.

So much of an Act passed in the Sixth Year of the Reign of King *Edward* the Sixth, intituled *An Act for the Uniformity of Service and Administration of Sacraments throughout the Realm*, as relates to the Offence of willingly and wittingly hearing and being present at any other Manner or Form of Common Prayer, of Administration of the Sacraments, of making of Ministers in the Churches, or of any other Rites contained in the Book annexed to that Act, than is mentioned and set forth in such Book, so far as the same in any Manner affects Roman Catholics:

1 Eliz. c. 1.

Also so much of an Act passed in the First Year of the Reign of Queen *Elizabeth*, intituled *An Act to restore to the Crown the ancient Jurisdiction over the Estate, ecclesiastical and spiritual, and abolishing all Foreign Powers repugnant to the same*, whereby, after the following Enactment, “that if any Person or Persons dwelling or inhabiting within this Your Realm, or in any other Your Highnesses Realms or Dominions, of what Estate, Dignity, or Degree soever he or they be, after the End of Thirty Days next after the Determination of this Session of this present Parliament, shall, by writing, printing, teaching, preaching, express Words, Deed, or Act, advisedly, maliciously, and directly affirm, hold, stand with, set forth, maintain, or defend the Authority, Preheminence, Power, or Jurisdiction, spiritual or ecclesiastical, of any Foreign Prince, Prelate, Person, State, or Potentate whatsoever, heretofore claimed, used, or usurped within this Realm, or any Dominion or Country being within or under the Power, Dominion, or Obedience of Your Highness, or shall advisedly, maliciously, and directly put in ure or execute any thing for the extolling, Advancement, setting forth, Maintenance, or Defence of any such pretended or usurped Jurisdiction, Power, Preheminence, and Authority, or any Part thereof, that then every such Person and Persons so doing and offending, their Abettors, Aiders, Procurors, and Counsellors, being thereof lawfully convicted and attainted, according to the due Order and Course of the Common Laws of this Realm, for his or their First Offence shall forfeit and lose unto Your Highness, Your Heirs and Successors, all his and their Goods and Chattels, as well real as personal; and if any such Person so convicted or attainted shall not have or be worth of his proper Goods and Chattels to the Value of Twenty Pounds at the Time of his Conviction or Attainder.

Attainder, that then every such Person so convicted or attainted, over and besides the Forfeiture of all his said Goods and Chattels, shall have and suffer Imprisonment by the Space of One whole Year, without Bail or Mainprize;” it is enacted, “that if any such Offender or Offenders, after such Conviction or Attainder, do afterwards commit or do the said Offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such Offender and Offenders shall for the same Second Offence incur into the Dangers, Penalties, and Forfeitures ordained and provided by the Statute of Provision and Premunire made in the Sixteenth Year of the Reign of King *Richard* the Second; and if any such Offender or Offenders, at any Time after the said Second Conviction and Attainder, do the Third Time commit and do the said Offences or any of them in manner and form aforesaid, and be thereof duly convicted and attainted as is aforesaid, that then every such Offence or Offences shall be deemed and adjudged High Treason; and that the Offender or Offenders therein, being thereof lawfully convicted and attainted according to the Laws of this Realm, shall suffer Pains of Death, and other Penalties, Forfeitures, and Losses, as in Cases of High Treason by the Laws of this Realm:”

Also so much of an Act made and passed in the said First Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Uniformity of Common Prayer and Service in the Church, and Administration of the Sacraments*, whereby it is enacted, “that all and every Person and Persons inhabiting within this Realm or any other the Queen’s Majesty’s Dominions shall diligently and faithfully, having no lawful or reasonable Excuse to be absent, endeavour themselves to resort to their Parish Church or Chapel accustomed, or upon reasonable Let thereof to some usual Place where Common Prayer and such Service of God shall be used in such Time of Let, upon every *Sunday* and other Days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly during the Time of the Common Prayer, Preaching, or other Service of God there to be used and ministered,” upon the Pains, Penalties, and Punishments therein mentioned, so far as these Enactments of the last-mentioned Act relate to or affect Roman Catholics:

1 Eliz. c. 2.

Also so much of an Act passed in the Fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the Assurance of the Queen’s Royal Power over all Estates and Subjects within Her Dominions*, as renders any Person violating its Provisions liable to the Penalties of Treason, or of the Statute of Præmunire:

5 Eliz. c. 1.

Also the whole of an Act passed in the Twenty-third Year of the Reign of the said Queen *Elizabeth*, intituled *An Act to retain the Queen’s Majesty’s Subjects in their due Obedience*:

23 Eliz. c. 1.

Also the whole of an Act passed in the Twenty-seventh Year of the Reign of the said Queen *Elizabeth*, intituled *An Act against Jesuits, Seminary Priests, and other such like disobedient Persons*:

27 Eliz. c. 2.

Also

- 29 Eliz. c. 6. Also so much of an Act passed in the Twenty-ninth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for the more speedy and due Execution of certain Branches of the Statute made in the Twenty-third Year of the Queen's Majesty's Reign, intituled "An Act to retain the Queen's Majesty's Subjects in their due Obedience,"* as relates to or in any Manner affects Roman Catholics :
- 35 Eliz. c. 1. Also the whole of an Act passed in the Thirty-fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act to retain the Queen's Majesty's Subjects in their due Obedience :*
- 35 Eliz. c. 2. Also the whole of an Act passed in the said Thirty-fifth Year of the Reign of the said Queen *Elizabeth*, intituled *An Act for restraining Popish Recusants to some certain Places of Abode :*
- 1 Jac. 1. c. 4. Also an Act passed in the First Year of the Reign of King *James* the First, intituled *An Act for the due Execution of the Statutes against Jesuits, Seminary Priests, Recusants, &c.,* except so much of the same Act as relates to the keeping any School, or to the being a Schoolmaster, or to the retaining or maintaining a Schoolmaster :
- 3 Jac. 1. c. 1. Also so much of that Part of an Act passed in the Third Year of the Reign of the said King *James* the First, intituled *An Act for a public Thanksgiving to Almighty God every Year on the Fifth of November,* whereby it is enacted, "that all and every Person and Persons inhabiting within this Realm of *England* and the Dominions of the same shall always upon that Day diligently and faithfully resort to the Parish Church or Chapel accustomed, or to some usual Church or Chapel where the said Morning Prayer, Preaching, or other Service of God shall be used, and then and there to abide orderly and soberly during the Time of the said Prayers, Preaching, or other Service of God then to be used and ministered," as relates to or in any Manner affects Roman Catholics :
- 3 Jac. 1. c. 4. Also so much and such Parts of an Act passed in the said Third Year of the Reign of the said King *James* the First, intituled *An Act for the better discovering and repressing of Popish Recusants,* as relate to Popish Recusants, to the Treasons created by the same Act, and to the compelling any Roman Catholic to resort to the Church of the Parish where he or she shall most usually abide or be within the Year, and to receive the Sacrament of the Lord's Supper :
- 3 Jac. 1. c. 5. Also another Act passed in the said Third Year of the Reign of the said King *James* the First, intituled *An Act to prevent and avoid Dangers which grow by Popish Recusants,* except those Parts of the same Act whereby it is enacted, "that every Person or Persons that is or shall be a Popish Recusant Convict during the Time that he shall be or remain a Recusant shall from and after the End of the then present Session of Parliament be utterly disabled to present to any Benefice with Cure or without Cure, Prebend or other Ecclesiastical Living, or to collate or nominate to any Free School, Hospital, or Donative whatsoever, and from the Beginning of the then present Session of Parliament shall likewise be disabled to grant any Avoidance to any Benefice, Prebend,

or other Ecclesiastical Living," and which specify the Counties, Cities, and other Places and Limits or Precincts within which the Chancellor and Scholars of the University of *Oxford* and the Chancellor and Scholars of the University of *Cambridge* respectively have the Presentation, Nomination, Collation, and Donation of and to every such Benefice, Prebend, Living, School, Hospital, and Donative as shall happen to be void during such Time as a Patron thereof shall be and remain a Recusant Convict as aforesaid; and whereby it is provided, "that neither of the said Chancellors and Scholars of either of the said Universities shall present or nominate, to any Benefice with Cure, Prebend, or other Ecclesiastical Living, any such Person as shall then have any other Benefice with Cure of Souls, and if any such Presentation or Nomination shall be had or made of any such Person so beneficed, the said Presentation or Nomination shall be void, any thing in this Act to the contrary notwithstanding:"

Also so much of an Act passed in the Seventh Year of the Reign of the said King *James* the First, intituled *An Act for administering the Oath of Allegiance and Reformation of married Women Recusants*, as relates to Recusants or to the Penalties of Recusancy: 7 Jac. 1. c. 6.

Also the whole of an Act passed in the Third Year of the Reign of King *Charles* the First, intituled *An Act to restrain the passing or sending of any to be popishly bred beyond the Seas*: 3 Car. 1. c. 2.

Also so much and such Parts of Two Acts respectively, the one passed in the said Third Year of the Reign of the said King *Charles* the First, and intituled *An Act for Continuance and Repeal of divers Statutes*, and the other passed in the Sixteenth Year of the said last-mentioned Reign, and intituled

An Act for the further Relief of His Majesty's Army and the Northern Parts of the Kingdom, relating to the Continuance of an Act made in the Thirty-fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act to retain the Queen's Majesty's Subjects in their due Obedience*, as in any Manner affect Roman Catholics: 3 Car. 1. c. 4. 16 Car. 1. c. 4.

Also so much of an Act passed in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, intituled *An Act for the Uniformity of public Prayers and Administration of Sacraments and other Rites and Ceremonies; and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England*, as confirms any Act or Part of any Act hereby repealed: 35 Eliz. c. 1.

Also so much of an Act passed in the Twenty-fifth Year of the Reign of the said King *Charles* the Second, intituled *An Act for preventing Dangers which may happen from Popish Recusants*, whereby it is enacted, "that if any Person or Persons, not bred up by his or their Parent or Parents from their Infancy in the Popish Religion, and professing themselves to be Popish Recusants, shall breed up, instruct, or educate his or their Child or Children, or suffer them to be instructed or educated, in the Popish Religion, every such Person being thereof convicted shall be from thenceforth disabled of bearing any

13 & 14 Car. 2. c. 4. 25 Car. 2. c. 2.

any

any Office or Place of Trust or Profit in Church or State ;” and whereby it is enacted, “ that all such Children as shall be so brought up, instructed, or educated are and shall be thereby disabled of bearing any such Office or Place of Trust or Profit until he and they shall be perfectly reconciled and converted to the Church of *England*, and shall take the Oaths of Supremacy and Allegiance aforesaid before the Justices of the Peace in the open Quarter Sessions of the County or Place where they shall inhabit, and thereupon receive the Sacrament of the Lord's Supper after the Usage of the Church of *England*, and obtain a Certificate thereof under the Hands of Two or more of the said Justices of the Peace :”

Also so much of an Act passed in the First Session of Parliament in the First Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths*, as renders liable any Person or Persons who shall refuse to take the Oaths therein mentioned, or either of them, to Imprisonment, Fine, and Disability to hold any Office, civil or military, within this Kingdom :

1 W. & M. c. 8.

And also so much of the said last-mentioned Act as renders liable any Person or Persons who shall refuse to make and subscribe the Declaration therein mentioned to the Pains, Penalties, Forfeitures, and Disabilities of and to be taken and deemed a Popish Recusant Convict :

Also the whole of an Act passed in the said First Session in the said First Year of the Reign of the said King *William* the Third and the said Queen *Mary*, intituled *An Act for the amoving Papists and reputed Papists from the Cities of London and Westminster, and Ten Miles Distance from the same* :

1 W. & M. c. 9.

Also the whole of another Act passed in the said First Session and First Year, intituled *An Act for the better securing the Government by disarming Papists and reputed Papists* :

1 W. & M. c. 15.

Also the whole of another Act passed in the said First Session and First Year, intituled *An Act for rectifying a Mistake in a certain Act of this present Parliament, for amoving Papists from the Cities of London and Westminster*.

1 W. & M. c. 17.

Act may be repealed, &c.

II. And be it enacted, That this Act or any Part thereof may be repealed, altered, or varied at any Time within this Session of Parliament.

C A P. CIII.

An Act to amend the Law for the Trial of controverted Elections of Members to serve in Parliament.

[9th August 1844.]

‘ WHEREAS it is expedient to amend the Law for the Trial of controverted Elections of Members to serve in Parliament:’ Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled

Repeal of
9 G. 4. c. 22.

An

An Act to consolidate and amend the Laws relating to the Trial of controverted Elections or Returns of Members to serve in Parliament, and also so much of an Act passed in the Forty-second Year of the Reign of King George the Third, intituled An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland, and also so much of an Act passed in the Forty-seventh Year of the Reign of King George the Third, intituled An Act to amend several Acts for regulating the Trial of controverted Elections or Returns of Members to serve in Parliament, so far as the same relate to Ireland, as requires the Parties appearing before any Select Committee to interchange before the said Committee Lists of the Votes and Names of Voters to which either of the Parties purposes and intends to object, and Statements in Writing respecting the Matters which either of the said Parties mean to insist upon, contend for, or to object to, or as provides that no Witness shall be called or examined to any thing not specified in such Lists or Statements, shall be repealed, except as to any thing done under either of the said Acts; but this Enactment shall not revive any Act, or Part of any Act, repealed by the firstly-recited Act.

and Part of
42 G. 3. c. 106.
and 47 G. 3.
c. 14.

II. And be it enacted, That every Petition which shall be presented to the House of Commons within such Time as shall be from Time to Time limited by the House, complaining of an undue Election or Return of a Member or Members to serve in Parliament, or complaining that no Return has been made to any Writ issued for the Election of any Member or Members to serve in Parliament on or before the Day on which such Writ is made returnable, or if such Writ be issued during any Session or Prorogation of Parliament, that no Return has been made to the same within Fifty-two Days after the Day on which such Writ bears Date, or that any Return is not according to the Requisition of the Writ, or complaining of the special Matters contained in any such Return, shall be deemed an Election Petition; but no Election Petition shall be received by the House unless at the Time it is presented it shall be subscribed by some Person claiming therein to have had a Right to vote at the Election to which the same shall relate, or to have had a Right to be returned or elected thereat, or alleging himself to have been a Candidate at the Election.

What shall be
deemed Election
Petitions.

III. And be it enacted, That before any Election Petition shall be presented to the House the Person or Persons subscribing the same, or some One or more of them, shall personally enter into a Recognizance to our Sovereign Lady the Queen, according to the Form given in the Schedule (A.) to this Act annexed, for the Sum of One thousand Pounds, with One, Two, Three, or Four sufficient Sureties, either in the same Recognizance or in separate Recognizances for the additional Sum of One thousand Pounds, in a Sum or Sums of not less than Two hundred and fifty Pounds each, for the Payment of all Costs and Expences which any Committee of the House selected to try such Petition in the Manner herein-after provided shall adjudge to be payable by the Person or Persons subscribing the said Petition, and also for the Payment of all Costs and Expences which shall become due from the Person or Persons subscribing such Petition to any Witness summoned in

Recognizances
to be entered
into by Petitioners.

his

his or their Behalf, or to any Party who shall appear in opposition to such Petition, in case such Petition shall be withdrawn, as herein-after allowed.

Sureties to make Affidavits of Sufficiency, and to be described.

IV. And be it enacted, That every Person who shall enter into any such Recognizance as Surety for any other Person shall testify upon Oath in Writing, to be sworn at the Time of entering into the said Recognizance, and before the same Person by whom his Recognizance shall be taken, that he is seised or possessed of Real or Personal Estate (or both), above what will satisfy his Debts, of the clear Value of the Sum for which he shall be bound by his said Recognizance, and every such Affidavit shall be annexed to the Recognizance; and that in every such Recognizance shall be mentioned the Name and usual Place of Residence of the Persons proposed to become Sureties as aforesaid, with such other Description of the proposed Sureties as may be sufficient to identify them easily.

Examiner of Recognizances to be appointed.

V. And be it enacted, That the Speaker of the House of Commons shall appoint a fit Person to be Examiner of Recognizances; and every Person so appointed shall hold his Office during the Pleasure of the Speaker, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Speaker.

Provision for temporary Disability of Examiner.

VI. And be it enacted, That in case of the Illness, temporary Disability, or unavoidable Absence of the Examiner of Recognizances, the Speaker may appoint a fit Person to perform the Duties of Examiner of Recognizances during such Illness, Disability, or Absence; and throughout this Act the Expression "Examiner of Recognizances" shall be deemed to include and apply to the Person so appointed and for the Time being performing such Duties.

How Recognizances are to be entered into.

VII. And be it enacted, That every Recognizance herein-before required shall be entered into, and every Affidavit herein-before required shall be sworn, before the Examiner of Recognizances or one of Her Majesty's Justices of the Peace; and the said Examiner, and also every Justice of the Peace, is hereby empowered to take the same; and every such Recognizance and Affidavit which shall be taken before a Justice, being duly certified under the Hand of the Justice before whom they shall have been taken, shall be delivered to the Examiner of Recognizances.

Option of paying Money into the Bank instead of finding Security.

VIII. Provided always, and be it enacted, That it shall be lawful for any Person by whom the said Petition shall be signed, instead of entering into a Recognizance for the full Amount of the Sums herein-before required, to pay into the Bank of *England*, on the Account of the Examiner of Recognizances as Trustee for the like Purposes for which the Recognizance is herein-before required, any Amount of Money which he shall think fit, in a Sum or Sums not less than Two hundred and fifty Pounds each; and in such Case the Person by whom the Petition shall be signed shall still be required to enter into his personal Recognizance for the Sum of One thousand Pounds, but shall be required to find a Surety or Sureties as aforesaid for so much only of the additional Sum of One thousand Pounds as the Sum paid into the Bank shall fall short of the Sum of One thousand Pounds; and no Money shall be deemed for the Purposes of this Act to be paid into the

Declaration of Trust.

Bank of *England* until a Bank Receipt for the same shall be procured and delivered to the Examiner of Recognizances.

IX. And be it enacted, That in every Case in which Payment of any Money as aforesaid shall have been made into the Bank of *England* the Examiner of Recognizances shall be bound, in the first place, and in such Order of Payment as he in his Discretion shall think fit, to satisfy out of the said Money all the Costs and Expences for securing Payment of which such Investment was made, or so much thereof as can be thereby satisfied, and thereafter to transfer the Residue (if any), wholly discharged of the said Trust, to the Account of the Party by whom the same shall have been paid in.

X. And be it enacted, That no Election Petition shall be received unless, at the Time it is presented to the House, it shall be endorsed by a Certificate under the Hand of the Examiner of Recognizances, that the Recognizance herein-before required has been entered into and received by him, with the Affidavits thereunto annexed; and, if the Recognizance shall not have been taken for the whole Amount, that the necessary Amount of Money has been paid into the Bank of *England* as herein-before required.

XI. And be it enacted, That on or before the Day when any such Petition shall be presented to the House the Names and usual Places of Residence of the Sureties, when there are Sureties, shall be entered in a Book to be kept by the Examiner of Recognizances in his Office; and the said Book, and also the Recognizance and Affidavits and Bank Receipt for any Money paid into the Bank of *England*, if any, shall be open to the Inspection of all Parties concerned.

XII. And be it enacted, That it shall be lawful for any sitting Member petitioned against, or for any Electors petitioning and admitted Parties to defend the Election or Return, to object to the Sureties, or any of them, who shall have entered into such Recognizance, on the Ground of Insufficiency, or that a Surety is dead, or that he cannot be found or ascertained from the Want of a sufficient Description in the Recognizance, or that a Person named in the Recognizance has not acknowledged the same; provided that the Ground of Objection shall be stated in Writing under the Hand of the objecting Party, or his or their Agent, and shall be delivered to the Examiner of Recognizances within Ten Days or not later than Twelve of the Clock at Noon of the Eleventh Day, after the Presentation of the Petition, if the Surety objected to reside in *England*, or within Fourteen Days, or not later than Twelve of the Clock at Noon of the Fifteenth Day, after the Presentation of the Petition, if the Surety objected to reside in *Scotland* or *Ireland*: Provided also, that if either such Eleventh or such Fifteenth Day shall happen to be a *Sunday*, *Good Friday*, or *Christmas Day*, it shall be sufficient if such Notice of Objection be delivered to the Examiner of Recognizances not later than Twelve of the Clock at Noon of the following Day.

XIII. And be it enacted, That as soon as any such Statement of Objection shall be received by the Examiner of Recognizances he shall put up an Acknowledgment thereof in some conspicuous Part of his Office, and shall appoint a Day for hearing such Objections not less than Three and not more than Five Days from the

Where Money has been paid into the Bank, the Examiner to order Payment of Expences, &c.

No Petition to be received unless endorsed by the Examiner.

Names of Sureties to be kept in the Office of the Examiner, and to be open to Inspection.

Sureties may be objected to.

Notice of Objections to be published in the Office of the Examiner, and Copies taken.

Day on which he shall have received such Statement; and the Petitioner or Petitioners, and his or their Agent, shall be allowed to examine and take Copies of every such Objection.

Examiner of Recognizances to decide on the Objections.

XIV. And be it enacted, That at the Time appointed the Examiner of Recognizances shall inquire into the alleged Insufficiency of the Surety or Sureties objected to on the Grounds stated in the Notice of Objection, but not on any other Ground; and for the Purpose of such Inquiry the Examiner of Recognizances is hereby authorized to examine upon Oath any Persons who may be tendered by either Party for Examination by him, and also to receive in Evidence any Affidavit relating to the Matter in dispute before him which shall be sworn before him, or before any Master of the High Court of Chancery, or Justice of the Peace, each of whom is hereby authorized to take and certify such Affidavit; and the Examiner of Recognizances shall have Power, if he shall think fit, to adjourn the said Inquiry from Time to Time until he shall decide on the Validity of such Objection, and, if he shall think fit, to award Costs to be paid by either Party to the other, which Costs shall be taxed and recovered as herein-after provided for the Costs and Expences of prosecuting or opposing Election Petitions; and the Decision of the Examiner of Recognizances shall be final and conclusive against all Parties.

In case of Death of a Surety, the Money may be paid into the Bank.

XV. And be it enacted, That if any Surety shall die, and his Death shall be stated as a Ground of Objection before the End of the Time allowed for objecting to the Sureties, it shall be lawful for the Petitioner to pay into the Bank of *England*, on the Account of the Examiner of Recognizances, the Sum for which the deceased Surety was bound; and upon the Delivery of a Bank Receipt for such Sum to the Examiner of Recognizances, within Three Days after the Day on which the Statement of such Objection shall have been delivered to the Examiner of Recognizances, the Sureties shall be deemed unobjectionable if no Ground of Objection shall be stated to any other of the Sureties within the Time before mentioned for stating Objections to Sureties.

Examiner of Recognizances to report whether or not Sureties are objectionable.

XVI. And be it enacted, That in case the Examiner of Recognizances shall have received any Statement of Objection to the Sureties or any of them to any such Election Petition, and shall have decided that such Sureties or any of them are objectionable, he shall forthwith report to the Speaker that such Sureties are objectionable; but if he shall have decided that such Sureties are unobjectionable, or in case he shall not have received any such Statement of Objection, then as soon as the Time herein-before allowed for stating any such Objection shall have elapsed after the Presentation of the Petition (or as soon thereafter as he shall have decided upon the Statement of Objection) the Examiner of Recognizances shall report to the Speaker that the Sureties to such Petition are unobjectionable; and he shall make out a List of all Election Petitions on which he shall have reported to the Speaker that the Sureties are unobjectionable, in which List the Petitions shall be arranged in the Order in which they shall be so reported upon; and a Copy of such List shall be kept in the Office of the Examiner of Recognizances, and shall be open to the Inspection of all Parties concerned.

XVII. And be it enacted, That it shall be competent to the Petitioner or Petitioners at any Time after the Presentation of the Petition to withdraw the same, upon giving Notice in Writing under his Hand or their Hands, or under the Hand of his or their Agent, to the Speaker, and also to the sitting Member or his Agent, and also to any Party who may have been admitted to oppose the Prayer of such Petition, that it is not intended to proceed with the Petition; and in such Case the Petitioner or Petitioners shall be liable to the Payment of such Costs and Expences as may have been incurred by the sitting Member, and also by any Party who may have been admitted to oppose the Prayer of such Petition, to be taxed as herein-after provided.

How Petitions may be withdrawn.

XVIII. And be it enacted, That if at any Time before the Appointment of a Select Committee to try any such Petition as herein-after provided the Speaker of the House of Commons shall be informed, by a Certificate in Writing subscribed by Two of the Members of the said House, of the Death of any sitting Member whose Election or Return is complained of in such Petition, or of the Death of any Member returned upon a double Return, whose Election or Return is complained of in such Petition, or that a Writ of Summons has been issued under the Great Seal of *Great Britain* to summon any such Member to Parliament as a Peer of *Great Britain*, or if the House of Commons shall have resolved that the Seat of any such Member is by Law become vacant, or if the House of Commons shall be informed, by a Declaration in Writing subscribed by any such Member, and delivered to the Speaker within Fourteen Days after the Day on which any such Petition shall have been presented, that it is not the Intention of such Member to defend his Election or Return, in every such Case Notice thereof shall immediately be sent by the Speaker to the General Committee of Elections, and to the Members of the Chairmen's Panel herein-after mentioned, and also to the Sheriff or other Returning Officer for the County, City, Borough, District, or Burghs, Port or Place, to which such Petition shall relate; and such Sheriff or other Returning Officer shall cause a true Copy of such Notice to be affixed on or near the Door of the County Hall or Town Hall, or of the Parish Church nearest to the Place where such Election has usually been held; and such Notice shall also be inserted, by Order of the Speaker, in one of the next two *London Gazettes*, and shall be communicated by him to the House.

Proceedings when the Seat becomes vacant or the sitting Member declines to defend his Return.

XIX. And be it enacted, That at any Time within Fourteen Days after the Day on which any Election Petition shall have been presented, or within Twenty-one Days after the Day on which any Notice shall have been inserted in the Gazette, to the Effect that the Seat is vacant, or that the Member returned will not defend his Election or Return, or if either of the said Periods shall expire during a Prorogation of Parliament, or during an Adjournment of the House of Commons for the *Easter* or *Christmas* Holidays, then on or before the Second Day on which the House shall meet after such Prorogation or Adjournment it shall be lawful for any Person or Persons claiming to have had a Right to vote at the Election to which the Petition shall relate to petition the House of Commons, praying to be admitted as a Party or Parties to defend such Return, or to oppose the Prayer of such Election

Voters may become a Party to oppose the Petition.

Petition; and such Person or Persons shall thereupon be admitted as a Party or Parties, together with the sitting Member, if he be then a Party against such Petition, or in the Room of such Member, if he be not then a Party against the Petition, and shall be considered as such to all Intents and Purposes whatever; and every such Petition shall be referred by the House to the General Committee of Elections herein-after mentioned.

Members having given Notice not to defend shall not be admitted as Parties.

XX. And be it enacted, That whenever the Member whose Election or Return is so complained of in such Petition shall have given Notice as aforesaid of his Intention not to defend the same, he shall not be afterwards allowed to appear or act as a Party against such Petition in any Proceedings thereupon, and he shall also be restrained from sitting in the House of Commons, or voting on any Question, until such Petition shall have been decided upon.

At the Beginning of every Session the Speaker to appoint a General Committee.

XXI. And be it enacted, That in the First Session of every Parliament, on the Day after the last Day allowed by any Order or Resolution of the House of Commons then in force for questioning the Returns of Members to serve in Parliament, and in every subsequent Session, as soon as conveniently may be after the Commencement of the Session, the Speaker of the House of Commons shall, by Warrant under his Hand, appoint Six Members of the House, who shall be willing to serve, and against whose Return no Petition shall be then depending, and none of whom shall be a Petitioner complaining of any Election or Return, to be Members of a Committee, which shall be called "The General Committee of Elections;" and every such Warrant shall be laid on the Table of the House, and, if not disapproved by the House in the course of the Three next Days on which the House shall meet for the Despatch of Business, shall take effect as an Appointment of such General Committee.

If the House disapprove the first Appointment a new one to be made.

XXII. And be it enacted, That in case the House shall disapprove any such Warrant the Speaker shall, on or before the Third Day on which the House shall meet after such Disapproval, lay upon the Table of the House a new Warrant for the Appointment of Six Members, qualified as aforesaid, and so from Time to Time until Six Members shall have been appointed by a Warrant which shall not be disapproved by the House as aforesaid.

Disapproval may be general or special.

XXIII. And be it enacted, That the Disapproval of the Warrant may be either general in respect of the Constitution of the whole Committee, or special in respect of any Member or Members named in the Warrant.

Members not disapproved may be again named.

XXIV. And be it enacted, That the Speaker may, if he shall think fit, but shall not be bound to name in the second or any subsequent Warrant all or any of the Members named in any former Warrant, whose Appointment shall not have been specially disapproved by the House as aforesaid.

For what Time the Appointment shall be.

XXV. And be it enacted, That after the Appointment of the General Committee every Member appointed shall continue to be a Member of the Committee until the End of that Session of Parliament, or until he shall cease to be a Member of the House of Commons, or until he shall resign his Appointment, or until the General Committee shall report that he is disabled by continued Illness from attending the Committee, or until the Committee shall be dissolved as herein-after provided.

XXVI. And

XXVI. And be it enacted, That in every Case of Vacancy in the General Committee of Elections, the Speaker, on the first Day on which the House shall meet after such Vacancy shall be known by him, shall make known the Vacancy to the House, and thereupon all Proceedings of the General Committee shall be suspended until the Vacancy shall be supplied as herein-after provided.

Vacancy to be made known to the House, and Proceedings suspended.

XXVII. And be it enacted, That in case the General Committee of Elections shall at any Time report to the House of Commons that, by reason of the continued Absence of more than Two of its Members, or by reason of irreconcilable Disagreement of Opinion, the said Committee is unable to proceed in the Discharge of its Duties, or in case the House of Commons shall resolve that the General Committee of Elections be dissolved, the General Committee shall be thereby forthwith dissolved.

Cases in which the General Committee shall be dissolved.

XXVIII. And be it enacted, That every Appointment to supply a Vacancy in the General Committee, and every Re-appointment of the General Committee after the Dissolution thereof, shall be made by the Speaker, by Warrant under his Hand, and laid upon the Table of the House, on or before the Third Day on which the House shall meet after the Dissolution of the Committee, or Notification of the Vacancy (as the Case may be); and the Warrant shall be subject to the Disapproval of the House, in the like Manner as is herein-before provided in the Case of the first Warrant for the Appointment of the General Committee; and upon any Re-appointment of the General Committee, the Speaker may reappoint as many Members of the former Committee as he shall think fit, who shall then be willing and not disqualified to serve on it, but shall not be bound to re-appoint any of them.

How Vacancies shall be supplied, and Re-appointments made.

XXIX. And be it enacted, That the Speaker shall appoint the Time and Place of the first Meeting of the General Committee of Elections, and the Committee shall meet at the Time and Place so appointed; but no Member appointed or re-appointed to be of the General Committee of Elections shall act upon such Committee until he shall have been sworn at the Table of the House, by the Clerk, truly and faithfully to perform the Duties belonging to a Member of the said Committee, without Fear or Favour, to the best of his Judgment and Ability.

Speaker to fix Time, &c. of first Meeting of Committee. Members to be sworn.

XXX. And be it enacted, That no Business shall be transacted by or before the General Committee of Elections unless at the least Four Members of the General Committee shall be then present together; and no Appointment of a Select Committee by the General Committee, to be made as herein-after provided, shall be of force unless at the least Four Members then present of the said General Committee shall agree in the Appointment.

Members necessary to enable the Committee to act.

XXXI. And be it enacted, That, subject to the Provisions of this Act, the said Committee shall make Regulations for the Order and Manner of conducting Business to be transacted by and before them.

Committee to regulate their Proceedings.

XXXII. And be it enacted, That the General Committee shall be attended by one of the Committee Clerks of the House, who shall be selected by the Clerk of the House of Commons for the Time being, and shall make a Minute of all the Proceedings of the Committee, in such Form and Manner as shall be from Time to Time directed by the Committee; and a Copy of the Minutes

Clerk to keep Minutes of Proceedings to be laid before the House.

so kept shall be laid from Time to Time before the House of Commons.

During any Suspension, the Speaker may adjourn any Business before Committee.

XXXIII. And be it enacted, That if, at the Time of the Dissolution or Suspension of all the Proceedings of the General Committee of Elections, there shall be any Business appointed to be transacted by or before such General Committee on any certain Day, it shall be lawful for the Speaker to adjourn the Transaction of such Business to such other Day as to the Speaker shall seem convenient, and so as often as the Case may happen.

Members wholly excused from serving.

XXXIV. And be it enacted, That every Member who shall be more than Sixty Years old shall be wholly excused from serving on Election Committees; provided that on or before the reading over of the Names of such excused Members as herein-after mentioned, or upon his afterwards becoming entitled to make such Claim, he shall claim to be excused by declaring in his Place, or in Writing under his Hand, to be delivered to the Clerk at the Table, that he is more than Sixty Years old; but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided.

Names of Members claiming to be excused to be called over.

XXXV. And be it enacted, That in the first Session of every Parliament on the next Meeting of the House after the last Day allowed for questioning Returns of Members to serve in Parliament, and in every subsequent Session on the next Meeting of the House after the Speaker shall have laid on the Table of the House his Warrant for the Appointment of the General Committee of Elections, the Clerk of the House of Commons shall read over the Names of all the Members who shall so have claimed to be excused.

Members temporarily excused from serving.

XXXVI. And be it enacted, That every Member who shall have Leave of Absence from the House shall be excused from serving on Election Committees during such Leave; and if any Member in his Place shall offer any other Excuse, either at the reading over the said Names or at any other Time, the Substance of the Allegations shall be taken down by the Clerk, in order that the same may be afterwards entered on the Journals, and the Opinion of the House shall then be taken thereon; and if the House shall resolve that the said Member ought to be excused, he shall be excused from serving on Election Committees for such Time as to the House shall seem fit, but no Member shall be so excused who shall not claim to be excused before he shall be chosen to serve as herein-after provided; and every Member who shall have served on One Select Committee for trying an Election Petition, and who, within Seven Days after such Committee shall have made its final Report to the House, shall notify to the Clerk of the General Committee his Claim to be excused from so serving again, shall be excused during the Remainder of the Session, unless the House shall at any Time resolve, upon the Report of the General Committee, that the Number of Members who have not so served is insufficient; but no Member shall be deemed to have served on an Election Committee who, on account of Inability or Accident, shall have been excused from attending the same throughout.

Members temporarily disqualified from serving.

XXXVII. And be it enacted, That every Member whose Return shall not have been brought in for a Time exceeding that allowed for questioning the Returns of Members, or who shall be a Petitioner

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tioner complaining of an undue Election or Return, or against whose Return a Petition shall be then depending, shall be disqualified to serve on Election Committees during the Continuance of such Ground of Disqualification; and every Member of any Select Committee appointed to try an Election Petition shall be disqualified to serve again on an Election Committee during Seven Days after the final Report of the Committee on which he so served.

XXXVIII. And be it enacted, That the Clerk of the House of Commons shall make out an alphabetical List of all the Members, omitting the Names of such Members as shall have claimed to be wholly excused from serving on Election Committees as aforesaid; and the Clerk shall also distinguish in such List the Name of every Member who shall be for a Time excused or disqualified, and shall also note in the List every Cause of such temporary Excuse or Disqualification, and the Duration thereof; and such List shall be printed and distributed with the Votes of the House, and the Names of all the Members so omitted shall be also printed and distributed with the Votes.

A corrected List, distinguishing the excused or disqualified Members, to be printed, &c. with the Votes.

XXXIX. And be it enacted, That during Three Days next after the Day of the Distribution of such corrected List further Corrections may be made in such List by Leave of the Speaker, if it shall appear that any Name has been improperly left in or struck out of such List, or that there is any other Error in such List.

List may be further corrected during Three Days.

XL. And be it enacted, That the List so finally corrected shall be referred to the General Committee of Elections, and the General Committee shall thereupon select, in their Discretion, Six, Eight, Ten, or Twelve Members, whom they shall think duly qualified, to serve as Chairmen of Election Committees; and the Members so selected shall be formed into a separate Panel, to be called the Chairmen's Panel, which shall be reported to the House; and while the Name of any Member shall be upon the Chairmen's Panel he shall not be liable or qualified to serve on an Election Committee, otherwise than as Chairman; and every Member who shall have been placed on the Chairmen's Panel shall be bound to continue upon it until the End of the Session, or until he shall sooner cease to be a Member of the House, or until, by Leave of the House, he shall be discharged from continuing upon the Chairmen's Panel: Provided always, that every Member of the Chairmen's Panel, who shall have served on One or more Election Committees, and who shall notify to the Clerk of the General Committee of Elections his Claim to be discharged from continuing upon the Chairmen's Panel, shall be so discharged accordingly; and every such Member shall be excused from serving upon any Election Committee, either as Chairman or otherwise, during the Remainder of the Session; but no Member of the Chairmen's Panel shall be deemed to have served on an Election Committee who, on account of Inability or Accident, shall have been excused from attending the same throughout.

Selection of Members to serve as Chairmen of Election Committees.

XLI. And be it enacted, That after the Chairmen's Panel shall have been so as aforesaid selected the General Committee shall divide the Members then remaining on such List into Five Panels, in such Manner as to them shall seem most convenient, but so nevertheless that each Panel may contain as nearly as may be the same Number of Members, and shall report to the House the Divi-

List to be divided into Five Panels.

sion so made by them; and the Clerk shall decide by Lot at the Table the Order of the Panels as settled by the General Committee, and shall distinguish each of them by a Number denoting the Order in which they shall have been drawn; and the Panels shall then be returned to the General Committee of Elections, and shall be the Panels from which all Members shall be chosen to serve on Election Committees.

General Committee to correct the Panels from Time to Time.

XLII. And be it enacted, That the General Committee of Elections shall correct the said Panels from Time to Time by striking out of them the Name of every Member who shall cease to be a Member of the House, or who from Time to Time shall become entitled and shall claim as aforesaid to be wholly excused from serving on Election Committees, and by inserting in one of the Panels to be chosen by the General Committee, at their Discretion, the Name of every new Member of the House who shall not be entitled and claim as aforesaid to be wholly excused, and shall also from Time to Time distinguish, in the Manner aforesaid, in the said Panels the Names of those Members who shall be for a Time excused or disqualified for any of the Reasons aforesaid; and the General Committee shall, as often as they shall think fit, report to the House the Panels as they shall then stand corrected; and as often as the General Committee of Elections shall report the said Panels to the House they shall be printed and distributed with the Votes of the House.

Power to transfer to another Panel Names of Members obtaining Leave of Absence.

XLIII. And be it enacted, That when Leave of Absence for a limited Time shall have been granted by the House to any Member, it shall be lawful for the General Committee of Elections to transfer the Name of such Member from the Panel in which it shall have been placed to some other Panel subsequent in rotation, if they shall think fit so to do, having regard to the Length of Time for which such Leave of Absence shall have been granted, and to the Number of Select Committees then about to be appointed.

For supplying Vacancies, and increasing the Chairmen's Panel.

XLIV. And be it enacted, That whenever any Member of the Chairmen's Panel shall cease to be a Member of the House, or shall be, by Leave of the House, discharged from continuing upon the Chairmen's Panel, or shall be so discharged by reason of Service, under the Provisions herein-before contained, the General Committee shall forthwith select another Member to be placed upon the Chairmen's Panel in his Room; and in case it shall at any Time appear to the General Committee that the Chairmen's Panel is too small, it shall be lawful for the General Committee to select Two, Four, or Six additional Members to place upon it, so nevertheless that the Chairmen's Panel shall not at any Time consist of more than Eighteen Members, without the Leave of the House first obtained.

Members upon Chairmen's Panel to make Regulations.

XLV. And be it enacted, That it shall be lawful for the Members who are upon the Chairmen's Panel from Time to Time to make such Regulations as they may find convenient for securing the Appointment or Selection of Chairman of Election Committees, and for distributing the Duties of Chairman among all of them.

Election Petitions to be referred to the

XLVI. And be it enacted, That all Election Petitions which shall be received by the House shall be referred by the House to the General Committee of Elections, for the Purpose of choosing
Select

Select Committees, as herein-after provided, to try such Petitions; and the Speaker shall communicate to the House and the General Committee every Report by the Examiner of Recognizances to him concerning the Sureties to any Election Petition; and in every Case in which any Election Petition shall be withdrawn, or the Examiner of Recognizances shall have reported to the Speaker that the Sureties are objectionable, the Order for referring such Petition to the General Committee of Elections shall be discharged, and no further Proceeding shall be had upon such Petition; and the General Committee shall make out a List of all Election Petitions in which the Examiner of Recognizances shall have reported to the Speaker that the Sureties are unobjectionable, and in which the Proceedings are not suspended, in which List the Petitions shall be arranged in the Order in which they shall have been so reported upon; and in every Case in which the Proceedings in any Petition inserted in such List shall be afterwards suspended the Petition shall be struck out of the List, and shall be again inserted at the Bottom of the List at the End of such Suspension of Proceedings.

General Committee.

List of Petitions to be made.

XLVII. And be it enacted, That when Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, shall be given to the General Committee of Elections by the Speaker as herein-before provided, the General Committee shall suspend their Proceedings in the Matter of the Petition referred to in such Notice until Twenty-one Days after the Day on which Notice of such Death or Vacancy, or Intention not to defend, shall have been inserted in the Gazette under the Provision herein-before contained, unless the Petition of some Person or Persons claiming to be admitted as a Party or Parties in the Room of such Member shall be sooner referred to them.

Where Notice of Vacancy, or that the sitting Member declines to defend, is received by the General Committee, Proceedings to be suspended.

XLVIII. And be it enacted, That when more than One Election Petition relating to the same Election or Return shall be referred to the General Committee of Elections they shall suspend their Proceedings in the Matter of all such Petitions until the Report of the Examiner of Recognizances upon each of such Petitions, or such of them as shall not have been withdrawn, shall be received by them; and upon Receipt of the last of such Reports they shall place such Petitions at the Bottom of the then List of Election Petitions, bracketed together, and such Petitions shall afterwards be dealt with as One Petition.

Provision for Cases where more than One Petition.

XLIX. And be it enacted, That the General Committee of Elections shall choose the Committees to try the Election Petitions standing in the said List of Petitions in the Order in which such Petitions stand in the said List, and they shall from Time to Time determine how many Committees shall be chosen in each Week for trying such Petitions, and the Day or Days on which they will meet for choosing such Committees, having regard to the Number of Select Committees which may then be sitting for the Trial of Election Petitions, and to the whole Number of such Committees then to be appointed; and they shall report to the House from Time to Time the Days appointed by them for choosing such Committees.

Committees to be chosen for Petitions according to their Order in the List.

L. And

Notice to be given when any Committee will be chosen.

L. And be it enacted, That Notice of the Time and Place at which the Committee will be chosen to try any Election Petition shall be published with the Votes, not less than Fourteen Days before the Day on which such Committee shall be appointed to be chosen; and in case the Conduct of the Returning Officer is complained of, such Notice shall be sent to him through the Post, not less than Fourteen Days before the Day on which such Committee shall be appointed to be chosen; and every such Notice shall direct all Parties interested to attend the General Committee of Elections, by themselves, their Counsel or Agents, at the Time and Place appointed for choosing the Select Committee; and if (after any such Notice shall have been published with the Votes, or sent to the Returning Officer as aforesaid,) the Proceedings in the Matter of such Petition shall become suspended, Notice of such Suspension shall be immediately published with the Votes; and in case the Conduct of the Returning Officer is complained of such Notice shall be sent to him through the Post.

Notice of Suspension to be given.

Provision for Cases where the sitting Member does not defend, and no Party has been admitted to defend, &c.

LI. Provided always, and be it enacted, That in case Notice of the Death or Vacancy of the Seat of any Member petitioned against, or that it is not the Intention of such Member to defend his Election or Return, shall have been inserted in the Gazette, by Order of the Speaker as herein-before provided, and no Party shall have been admitted to defend such Election or Return, then, if the Conduct of the Returning Officer is not complained of in such Petition, it shall not be necessary to insert such Petition at the Bottom of the then List of Petitions, but the General Committee of Elections shall meet for choosing the Select Committee to try such Petition as soon as conveniently may be after the Expiration of the Time allowed for Parties to come in to defend such Election or Return, as herein-before provided; and not less than One Day's Notice of the Time and Place appointed for choosing such Committee shall be given in the Votes.

General Committee empowered to change the Day for choosing Select Committee.

LII. And be it enacted, That it shall be lawful for the General Committee of Elections to change the Day and Hour appointed by them for choosing a Select Committee to try any Election Petition, and to appoint some subsequent Day and Hour for the same, if it shall in their Judgment be expedient so to do, giving Notice in the Votes of the Day and Hour so subsequently appointed; and in every Case in which any such Change shall be made by them they shall forthwith report the same to the House, with their Reasons for making such Change.

Notice of Petitions, &c.

LIII. And be it enacted, That Notice shall be published with the Votes of the Petitions appointed for each Week, and of the Panel from which Committees will be chosen to try such Petitions.

Lists of Voters intended to be objected to shall be delivered to the Clerk of the General Committee.

LIV. And be it enacted, That in all Cases of controverted Elections or Returns of Members to serve in Parliament all the Parties complaining of or defending such Elections or Returns shall, by themselves or their Agents, deliver in to the Clerk of the General Committee Lists of the Voters intended to be objected to, giving in the said Lists the several Heads of Objections, and distinguishing the same against the Names of the Voters excepted to, not later than Six of the Clock in the Afternoon on the Sixth Day next before the Day appointed for choosing the Committee to try
the

the Petition complaining of such Election or Return; and the said Clerk shall keep the Lists so delivered to him in his Office, open to the Inspection of all Parties concerned.

LV. And be it enacted, That the General Committee shall meet at the Time appointed for choosing the Committee to try any Election Petition, and shall choose from the Panel then standing next in Order of Service, exclusive of the Chairmen's Panel, Four Members, not being then excused or disqualified for any of the Causes aforesaid, and who shall not be specially disqualified for being appointed on the Committee to try such Petition for any of the following Causes; (that is to say,) by reason of having voted at the Election, or by reason of being the Party on whose Behalf the Seat is claimed, or related to the sitting Member or Party on whose Behalf the Seat is claimed by Kindred or Affinity in the First or Second Degree according to the Canon Law; and each Panel shall serve for a Week, beginning with the Panel first drawn and continuing by Rotation in the Order in which they were drawn, and not reckoning those Weeks in which no Select Committee shall be appointed to be chosen.

Select Committee to be chosen.

LVI. And be it enacted, That in case at the least Four Members then present of the General Committee of Elections shall not agree in choosing a Committee to try any Petition appointed for that Day, the General Committee shall adjourn the choosing of that Committee and of the remaining Committees appointed to be chosen on that Day to the following Day, and the Parties shall be directed to attend on the following Day, or if such following Day shall happen during an Adjournment of the House then on the Day to which the House shall stand adjourned, and so from Day to Day until all such Committees shall be chosen, or until the General Committee of Elections shall be dissolved, as herein-before provided; and the General Committee shall not in any Case proceed to choose a Committee to try an Election Petition until they shall have chosen a Committee to try every other Election Petition standing higher in the List aforesaid, the Order for referring which shall not be then discharged, except in the Case where the Day originally appointed for choosing a Committee shall have been changed under the Provision herein-before contained.

In case of Disagreement, the General Committee to adjourn.

LVII. And be it enacted, That on the Day appointed by the General Committee to choose a Committee to try an Election Petition the Members who are upon the Chairmen's Panel shall select One of such Members to act as the Chairman of such Election Committee, and when they shall have been informed by the General Committee that Four Members of such Election Committee have been chosen, they shall communicate the Name of the Member so selected by them to the General Committee, but no Member shall be so selected who would be disqualified from serving on such Committee if not upon the Chairmen's Panel: Provided always, that if, with reference to any Petition for trying which they are about to appoint a Chairman the Members of the Chairmen's Panel shall receive Notice from the Speaker, under the Provision herein-before contained, of the Death or Vacancy of the Seat of the sitting Member petitioned against in such Petition, or that it is not his Intention to defend his Seat, the Members of the Chairmen's Panel shall suspend their Proceedings with regard to

Chairman to be chosen by the Members on the Chairmen's Panel, and his Name communicated to the General Committee.

to the Appointment of a Chairman to try such Petition until the Day appointed by the General Committee of Elections for selecting a Committee to try such Petition.

When Committee chosen the Parties to be called in.

LVIII. And be it enacted, That as soon as the General Committee of Elections shall have chosen Four Members of a Committee to try any such Petition, and shall have received from the Members of the Chairmen's Panel the Name of a Chairman to serve on such Committee, the Parties in attendance shall be called in, and the Names of the Members so chosen and of the Chairman shall be read over to them.

General Committee to proceed in order with all Petitions appointed for that Day.

LIX. And be it enacted, That after hearing the said Names the Parties present shall be directed to withdraw, and the General Committee may proceed to choose another Committee to try the next Petition appointed for that Day, and so on until all the Committees appointed to be chosen on that Day shall be chosen, or until the choosing of any Committee shall be adjourned as aforesaid; and after any such Adjournment the General Committee shall not transact any more Business on that Day, except with regard to those Petitions for trying which Committees shall have been previously chosen.

Parties may object to disqualified Members.

LX. And be it enacted, That within One Half Hour at furthest from the Time when the Parties to any Election Petition shall have withdrawn, or if the Parties to any other Election Petition shall then be before the General Committee of Elections, then after such other Parties shall have withdrawn, the Parties in attendance shall be again called before the General Committee, in the same Order in which they were directed to withdraw; and the Petitioners and sitting Member or Members, or such Party as may have been admitted as aforesaid to defend the Return or Right of Election, their Counsel or Agents, beginning on the Part of the Petitioners, may object to all or any of the Members chosen, or to such Chairman, as being then disqualified or excused, for any of the Reasons aforesaid, from serving on the Committee for the Trial of that Election Petition, but not for any other Reason.

If General Committee allow the Disqualification a new Committee to be chosen.

LXI. And be it enacted, That if at the least Four Members then present of the General Committee shall be satisfied that any Member so objected to is then disqualified or excused for any of the Reasons aforesaid, the Parties present shall be again directed to withdraw, and the General Committee shall proceed to choose another Committee from the same Panel to try that Petition, or if the Member to whom any such Objection shall be substantiated be the Chairman, they shall send back his Name to the Members on the Chairmen's Panel, and the Members on the Chairmen's Panel shall proceed to choose another Chairman to try that Petition, and shall communicate his Name to the General Committee, and so as often as the Case may happen.

In the new Committee Members not before objected to may be included.

LXII. And be it enacted, That in the second or any following Committee the General Committee may, if they shall think fit, include all or any of the Members previously chosen by them to whom no Objection shall have been substantiated; and no Party shall be allowed to object to any Member who may be included in the second or any following Committee who was not objected to when included in the Committee first chosen to try that Petition.

LXIII. And

LXIII. And be it enacted, That when Four Members and a Chairman shall have been chosen, to none of whom any Objection shall have been substantiated, the Clerk of the General Committee of Elections shall give Notice thereof in Writing to each of the Members so chosen by the General Committee; and with every such Notice shall be sent a Notice of the general and special Grounds of Disqualification and Excuse from serving which are herein-before mentioned, and of the Time and Place when and where the General Committee will meet on the following Day; and Notice of the Time and Place of such Meeting shall be published with the Votes.

Notice to be sent to every Member chosen.

LXIV. And be it enacted, That the General Committee shall meet on the following Day at the Time and Place mentioned in such Notice as last aforesaid; and if any such Member shall then and there prove, to the Satisfaction of at least Four Members then present of the General Committee, that for any of the Reasons aforesaid he is disqualified or excused from serving on the Committee for which he shall have been so chosen, or if any such Member shall prove, to the Satisfaction of at least Four Members then present of the General Committee, that there are any Circumstances in his Case which render him ineligible to serve on such Select Committee, such Circumstances having regard not to his own Convenience but solely to the impartial Character of the Tribunal, the General Committee shall proceed to choose a new Committee to try that Petition, in like Manner as if that Member had been objected to by any Party to the Petition; and if within the Space of One Quarter of an Hour after the Time mentioned in the Notice no Member shall so appear, or if any Member so appearing shall not prove his Disqualification or Excuse, to the Satisfaction of at least Four Members then present of the General Committee, the Select Committee shall be taken to be appointed.

If any Member chosen proves a Disqualification another Committee to be chosen.

LXV. And be it enacted, That at the Meeting of the House of Commons for the Despatch of Business next after any such Select Committee shall be appointed, the Members chosen, including the Chairman, shall attend in their Places, and the General Committee of Elections shall report to the House the Names of the Select Committee appointed, and shall annex to such Report all Petitions referred to them by the House which shall relate to the Return or Election of which such Select Committee is appointed to try the Merits, and all Lists of Voters which shall have been delivered to them by either Party; and the Members chosen to be of the said Select Committee shall not depart the House till the Time for the Meeting of such Select Committee shall be fixed.

Select Committee to be reported to the House.

LXVI. And be it enacted, That the Five Members appointed as herein-before is mentioned shall, before departing the House, be sworn at the Table, by the Clerk, well and truly to try the Matter of the Petitions referred to them, and a true Judgment to give according to the Evidence, and shall be taken to be a Select Committee legally appointed to try and determine the Merits of the Return or Election so referred by the House to them; and the Member so appointed from the Chairmen's Panel shall be the Chairman of such Committee.

Members of Select Committee to be sworn.

LXVII. And be it enacted, That if any Member of the said Select Committee shall not attend in his Place within One Hour after

Members of said Committee not present within

One Hour after the Meeting of the House to be taken into Custody by the Serjeant at Arms.

after the Meeting of the House on the Day appointed for swearing the said Committee, or if after attending any Member shall depart the House before the said Committee shall be sworn, unless the Committee shall be discharged, or the swearing of the said Committee shall be adjourned as herein-after provided, he shall be ordered to be taken into the Custody of the Serjeant at Arms attending the House for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the House.

If any Member is not present within Three Hours after the Meeting of the House the Proceedings to be adjourned.

LXVIII. And be it enacted, That if any such absent Member shall not be brought into the House within Three Hours after the Meeting of the House on the Day first appointed for swearing the said Committee, and if no sufficient Cause shall be shown to the House before its rising whereon the House shall dispense with the Attendance of such absent Member, the swearing of the Committee shall be adjourned to the next Meeting of the House: and all the Members of the said Committee shall be bound to attend in their Places for the Purpose of being sworn at the next Meeting of the House, in like Manner as on the Day first appointed for that Purpose.

All the Members not attending after Adjournment, the Committee to be discharged.

LXIX. And be it enacted, That if on the Day to which the swearing of the said Committee shall be so adjourned all the Members of the Committee shall not attend and be sworn, within One Hour after the Meeting of the House, or if on the Day first appointed for swearing the said Committee sufficient Cause shall be shown to the House before its rising why the Attendance of any Member of the Committee should be dispensed with, the said Committee shall be taken to be discharged, and the General Committee shall meet on the following Day, or if such following Day shall happen during an Adjournment of the House, then on the Day to which the House shall stand adjourned, and shall proceed to choose a new Committee from the Panel on Service for the Time being in the Manner herein-before provided, and Notice of such Meeting shall be published with the Votes.

Petitions, &c. referred to the Committee, and Time and Place of Meeting appointed by the House.

LXX. And be it enacted, That the House shall refer the Petitions and Lists annexed to the Report of the General Committee of Elections to the Select Committee so appointed and sworn, and shall order the said Select Committee to meet at a certain Time, to be fixed by the House, which shall be within Twenty-four Hours of their being sworn at the Table of the House, unless a *Sunday, Christmas Day, or Good Friday* shall intervene; and the Place of their Meeting shall be some convenient Room or Place adjacent to the House of Commons properly prepared for that Purpose.

Committees not to adjourn for more than Twenty-four Hours, without Leave, &c.

LXXI. And be it enacted, That every such Select Committee shall sit from Day to Day, *Sunday, Christmas Day, and Good Friday* only excepted, and shall never adjourn for a longer Time than Twenty-four Hours, unless a *Sunday, Christmas Day, or Good Friday* intervene, and in such Case not for more than Twenty-four Hours, exclusive of such *Sunday, Christmas Day, or Good Friday*, without Leave first obtained from the House, upon Motion, and special Cause assigned for a longer Adjournment;

ment; and in case the House shall be sitting at the Time to which such Select Committee is adjourned, then the Business of the House shall be stayed, and a Motion shall be made for a further Adjournment for any Time to be fixed by the House: Provided always, that if such Select Committee shall have Occasion to apply or report to the House, and the House shall be then adjourned for more than Twenty-four Hours, such Select Committee may also adjourn to the Day appointed for the meeting of the House.

LXXII. And be it enacted, That no Member appointed as aforesaid to be of any such Select Committee shall absent himself from the same without Leave obtained from the House, or an Excuse allowed by the House at the next Sitting thereof, for the Cause of Sickness, verified upon the Oath of his Medical Attendant, or for other special Cause shown, and verified upon Oath; and in every such Case the Member to whom such Leave shall be granted or Excuse allowed shall be discharged from attending, and shall not be entitled again to sit or vote on the said Committee; and such Select Committee shall never sit until all the Members to whom such Leave has not been granted, nor Excuse allowed, are met; and in case all such Members shall not meet within One Hour after the Time appointed for the first Meeting of such Select Committee, or within One Hour after the Time to which such Select Committee shall have been adjourned, a further Adjournment shall be made, and reported by their Chairman, with the Cause thereof, to the House.

LXXIII. And be it enacted, That every Member whose Absence without Leave or Excuse shall be so reported shall be directed to attend the House at its next Sitting, and shall then be ordered to be taken into the Custody of the Serjeant at Arms attending the House for such Neglect of his Duty, and shall be otherwise punished or censured, at the Discretion of the House, unless it shall appear to the House, by Facts specially stated, and verified upon Oath, that such Member was by a sudden Accident or by Necessity prevented from attending the said Select Committee.

LXXIV. And be it enacted, That the Committee shall not be dissolved by reason of the Death or necessary Absence of One Member or Two Members thereof only, but the remaining Members shall thenceforward constitute the Committee; and in case there shall ever be Occasion for electing a new Chairman on the Death or necessary Absence of the Chairman first appointed, the remaining Members of the Committee shall elect one of themselves to be Chairman, and if in that Election there shall be an equal Number of Voices; the Member whose Name stands foremost in the List of the Committee, as reported to the House, shall have a second or casting Vote.

LXXV. And be it enacted, That in case the Number of Members able to attend any such Select Committee shall be, by Death or otherwise, unavoidably reduced to less than Three, and shall so continue for the Space of Three sitting Days, such Select Committee shall be dissolved (except in the Case herein-after provided), and another shall be appointed to try such Petition in manner aforesaid; and the General Committee and Members of the Chairmen's

Committee-man not to absent himself.

Committee not to sit until all be met; on Failure of all meeting within One Hour, to adjourn.

Absentees to be directed to attend the House.

Committee not to be dissolved by the Death or Absence of not more than Two Members.

If any Committee is reduced to less than Three by the Nonattendance of its Members, it shall be dissolved, unless by Consent.

Chairmen's Panel shall meet for that Purpose as soon as conveniently may be after the Occasion shall have arisen, at a Day and Hour to be appointed by the General Committee, and Notice of such Meeting shall be published with the Votes; and all the Proceedings of such former Committee shall be void and of no Effect: Provided always, that if all the Parties before the Committee shall consent thereto the Two remaining Members of the Committee, or the sole remaining Member if only One, shall continue to act, and shall thenceforward constitute the Committee.

Committees to be attended by a Shorthand Writer.

LXXVI. And be it enacted, That every such Committee shall be attended by a Person skilled in the Art of writing Shorthand, who shall be specially appointed by the Clerk of the House of Commons for the Time being, and sworn by the Chairman faithfully and truly to take down the Evidence given before such Committee, and from Day to Day, as Occasion may require, to write or cause the same to be written in Words at Length for the Use of the Committee.

Committee empowered to send for and examine Persons, Papers, and Records.

LXXVII. And be it enacted, That every such Select Committee shall have Power to send for Persons, Papers, and Records, and to examine any Person who may have subscribed the Petition which such Select Committee shall have been appointed to try, unless it shall otherwise appear to such Committee that such Person is an interested Witness, and shall examine all the Witnesses who come before them upon Oath, which Oath the Clerk attending such Select Committee is hereby empowered to administer; and if any Person summoned by such Select Committee, or by the Warrant of the Speaker of the House of Commons (which Warrants the Speaker is hereby authorized to issue from Time to Time as he shall think fit), shall disobey such Summons, or if any Witness before such Select Committee shall give false Evidence, or prevaricate, or shall otherwise misbehave in giving or refusing to give Evidence, the Chairman of such Select Committee, by their Direction, may at any Time during the course of their Proceedings report the same to the House for the Interposition of the Authority or Censure of the House, as the Case may require, and may, by a Warrant under his Hand directed to the Serjeant at Arms attending the House of Commons, or to his Deputy or Deputies, commit such Person (not being a Peer of the Realm or Lord of Parliament) to the Custody of the said Serjeant, without Bail or Mainprize, for any Time not exceeding Twenty-four Hours, if the House shall then be sitting, and if not, then for a Time not exceeding Twenty-four Hours after the Hour to which the House shall then be adjourned.

Witnesses misbehaving may be reported to the House, and committed to the Custody of the Serjeant at Arms.

How Oaths to be administered.

LXXVIII. And be it enacted, That where in this Act any thing is required to be verified on Oath to the House of Commons, it shall be lawful for the Clerk of the House of Commons to administer an Oath for that Purpose, or an Affidavit for such Purpose may lawfully be sworn before any Justice of the Peace or Master of the High Court of Chancery.

Giving false Evidence to be Perjury.

LXXIX. And be it enacted, That every Person who shall wilfully give any false Evidence before the House of Commons, or any Committee or Examiner of Recognizances, under the Provisions of this Act, or who shall wilfully swear falsely in any Affidavit

avit authorized by this Act to be taken, shall, on Conviction thereof, be liable to the Penalties of wilful and corrupt Perjury.

LXXX. And be it enacted, That no Evidence shall be given before the Select Committee, or before any Commission issued by the said Committee, against the Validity of any Vote not included in one of the Lists of Voters delivered to the General Committee as aforesaid, or upon any Head of Objection to any Voter included in any such List other than one of the Heads specified against him in such List.

Evidence to be confined to Objections specified in the Lists.

LXXXI. And be it enacted, That every such Select Committee shall try the Merits of the Return or Election, or both, and shall determine by a Majority of Voices, if for the Time being consisting of more than One Member, whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the Election be void, or whether a new Writ ought to issue, which Determination shall be final between the Parties to all Intents and Purposes; and the House, on being informed thereof by the Committee, shall order such Report to be entered in their Journals, and shall give the necessary Directions for confirming or altering the Return, or for ordering a Return to be made, or for issuing a new Writ for a new Election, or for carrying the said Determination into execution, as the Case may require.

Committee to decide, and to report their Decision to the House.

LXXXII. And be it enacted, That if any such Select Committee shall come to any Resolution other than the Determination above mentioned they shall, if they think proper, report the same to the House for their Opinion at the same Time that they shall inform the House of such Determination, and the House may confirm or disagree with such Resolution, and make such Orders thereon as to them shall seem proper.

Committees may report their Determination on other Matters to the House.

LXXXIII. And be it enacted, That whenever any such Select Committee shall think it necessary to deliberate among themselves upon any Question which shall arise in the Course of the Trial, or upon the Determination thereof, or upon any Resolution concerning the Matter of the Petition referred to them as aforesaid, as soon as they shall have heard the Evidence and Counsel on both Sides relative thereto, the Room or Place in which they shall sit shall be cleared, if they shall think proper, whilst the Members of the Committee consider thereof.

When Committee is deliberating the Room to be cleared, &c.

LXXXIV. And be it enacted, That all Questions before the Committee, if for the Time being consisting of more than One Member, shall be decided by a Majority of Voices, and whenever the Voices shall be equal the Chairman shall have a second or casting Voice.

Questions to be decided by a Majority.

LXXXV. And be it enacted, That whenever the Select Committee shall be divided upon any Question the Names of the Members voting in the affirmative and in the negative shall be entered in the Minutes of the said Committee, and shall be reported to the House, with the Questions on which such Divisions arose, at the same Time with the final Report of the Committee; and no Member of the Committee shall be allowed to refrain from voting on any Question on which the Committee shall be divided.

Names of Members voting for or against any Resolution to be reported to the House.

LXXXVI. And be it enacted, That whenever it shall happen that Parliament shall be prorogued after any Petition complaining

Committees to be appointed for Petitions stand-

ing over on a Prorogation of Parliament.

of an undue Election or Return, or of the Omission to return, shall have been presented, but before the Appointment of a Select Committee to try such Petition, the General Committee of Elections shall, within Two Days after their first Meeting, in case the Sureties shall have been then reported unobjectionable, appoint a Day and Hour for selecting a Committee or Committees to try the Petition or Petitions so standing over as aforesaid: Provided always, that if the Number of Petitions so standing over as aforesaid shall be so great that the Times for selecting Committee of Elections be conveniently appointed within Two Days after their first Meeting, the said General Committee shall, within Two Days after their first Meeting, appoint the Times for selecting Committees to try such Number of the said Petitions as the said General Committee shall deem convenient, and shall afterwards from Time to Time as soon as conveniently may be appoint the Times for selecting the Committees to try the Remainder of such Petitions.

Committees not dissolved by the Prorogation of Parliament.

LXXXVII. And be it enacted, That if the Parliament shall be prorogued after the Appointment of any Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sunday, Good Friday, and Christmas Day* always excepted); and all Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner herein-before provided, until they shall have reported to the House their Determination on the Merits of such Petition.

Costs when incurred by Petitioners, &c.

LXXXVIII. And be it enacted, That whenever any Committee appointed to try an Election Petition shall report to the House with respect to any such Petition that the same appeared to them frivolous or vexatious, the Party or Parties, if any, who shall have appeared before the Committee in opposition to such Petition shall be entitled to recover from the Person or Persons, or any of them, who shall have signed such Petition, the full Costs and Expences which such Party or Parties shall have incurred in opposing the same, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs when incurred by Parties opposing Petitions.

LXXXIX. And be it enacted, That whenever such Committee shall report to the House, with respect to the Opposition made to such Petition by any Party or Parties who shall have appeared before them, that such Opposition appeared to be frivolous or vexatious, the Person or Persons who shall have signed such Petition shall be entitled to recover from such Party or Parties, or any of them, with respect to whom such Report shall be made, the full Costs and Expences which such Petitioner or Petitioners shall respectively have incurred in prosecuting their Petition, such

Costs.

Costs and Expences to be ascertained in the Manner herein-after directed.

XC. And be it enacted, That whenever no Party shall have appeared before any such Committee in opposition to such Petition, and such Committee shall report to the House, with respect to the Election for Return, or to the alleged Omission of a Return, or to the alleged Insufficiency of a Return, complained of in any such Petition, that the same appeared to them to be vexatious or corrupt, the Person or Persons who shall have signed such Petition shall be entitled to recover from the sitting Member or sitting Members (if any) whose Election or Return shall be complained of in such Petition (such sitting Member or sitting Members not having given Notice as aforesaid of his or their Intention not to defend the same), or from any other Person or Persons whom the House shall have admitted or directed to be made a Party or Parties to oppose such Petition, the full Costs and Expences which such Petitioner or Petitioners shall have incurred in prosecuting their Petition, such Costs and Expences to be ascertained in the Manner herein-after directed.

Costs when incurred where no Party appears to oppose a Petition.

XCI. And be it enacted, That if any Ground of Objection shall be stated against any Voter in any List of Votes intended to be objected to as herein-before provided, and if such Select Committee shall be of opinion that such Objection was frivolous or vexatious, the said Committee shall report the same to the House of Commons, together with their Opinion on the other Matters relating to the said Petition, and the opposite Party shall in such Case be entitled to recover, from the Party or Parties by whom or on whose Behalf any such Objections were made, the full Costs and Expences incurred by reason of such frivolous or vexatious Objections, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous or vexatious Petitions.

Costs upon frivolous Objections.

XCII. And be it enacted, That if either Party shall make before the said Select Committee any specific Allegation with regard to the Conduct of the other Party or his Agents, and shall either bring no Evidence in support thereof, or such Evidence that the Committee shall be of opinion that such Allegation was made without any reasonable or probable Ground, it shall be lawful for the Committee to make such Orders as to them shall seem fit for the Payment, by the Party making such unfounded Allegation to the other Party, of all Costs and Expences which shall have been incurred by reason of such unfounded Allegation, which Costs and Expences shall be ascertained and recovered in the same Manner and Form as is herein-after provided for the Recovery of Costs and Expences in Cases of frivolous and vexatious Petitions.

Costs upon unfounded Objections.

XCIII. And be it enacted, That the Costs and Expences of prosecuting or opposing or preparing to oppose any Petition presented under the Provisions of this Act, and the Costs and Expences which shall be due and payable to any Witness summoned to attend before the Examiner of Recognizances, or before any Committee, under the Provisions of this Act, shall be ascertained in manner following; (that is to say,) on Application made to the Speaker of the House of Commons by any such Petitioner,

Costs how to be ascertained.

Party, or Witness, for ascertaining such Costs and Expences, not later than Three Calendar Months after the Determination of the Merits of such Petition, or after any Order of the House for discharging the Order of Reference of such Petition to the General Committee of Elections, or after the Withdrawal of any Petition, as herein-before provided, the Speaker shall direct the same to be taxed by the Examiner of Recognizances; and the said Examiner shall examine and tax such Costs and Expences, and shall report the Amount thereof, together with the Name of the Party or Parties liable to pay the same, and the Name or Names of the Party or Parties entitled to receive the same, to the Speaker, who shall, upon Application made to him, deliver to the Party or Parties a Certificate, signed by himself, expressing the Amount of the Costs and Expences allowed in such Report, with the Name of the Party liable to pay the same, and the Name of the Party entitled to receive the same; and such Certificate so signed by the Speaker shall be conclusive Evidence, as well of the Amount of such Demands as of the Title of the several Parties to recover the same, in all Cases and for all Purposes whatsoever; and the Party claiming under the same shall, upon Payment thereof, give a Receipt at the Foot of such Certificate, which shall be a sufficient Discharge for the same.

Persons appointed to tax Costs empowered to take Affidavits.

XCIV. And be it enacted, That the Examiner of Recognizances is empowered to examine upon Oath any Party claiming any such Costs or Expences, and any Witnesses tendered to him for Examination, and to receive Affidavits sworn before him, or before any Master of the High Court of Chancery or any of Her Majesty's Justices of the Peace, who are severally empowered to take the same, relative to such Costs or Expences, or the Taxation or Nonpayment thereof.

Recovery of Costs.

XCv. And be it enacted, That it shall be lawful for the Party or Parties entitled to such taxed Costs and Expences, or for his, her, or their Executors or Administrators, to demand the whole Amount thereof, so certified as above, from any One or more of the Persons herein made liable to the Payment thereof in the several Cases herein-before mentioned, and in case of Nonpayment thereof to recover the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, in which Action it shall be sufficient for the Plaintiff or Plaintiffs to declare that the Defendant or Defendants is or are indebted to him or them in the Sum mentioned in the said Certificate; and the said Plaintiff or Plaintiffs shall, upon filing the said Declaration, together with the said Certificate and Affidavit of such Demand as aforesaid, be at liberty to sign Judgment as for Want of Plea by Nil dicit, and take out Execution for the said Sum so mentioned in the said Certificate, together with the Costs of the said Action, according to due Course of Law: Provided always, that the Validity of such Certificate (the Handwriting of the Speaker thereunto being duly verified) shall not be called in question in any Court upon the Allegation of any Matter or Thing anterior to the Date thereof.

Persons paying Costs may recover a Proportion from other

XCVI. And be it enacted, That in every Case it shall be lawful for any Person or Persons from whom the Amount of such Costs and Expences shall have been so recovered to recover in like Manner

Manner from the other Persons, or any of them (if such there shall be), who are liable to the Payment of the same Costs and Expences, a proportionate Share thereof, according to the Number of Persons so liable, and according to the Extent of the Liability of each Person.

Persons liable thereto.

XCVII. And be it enacted, That if any Person or Persons who shall have subscribed an Election Petition shall neglect or refuse, for the Space of Seven Days after Demand, to pay to any Witness who shall have been summoned on his or their Behalf before the Examiner of Recognizances, or any Committee, under the Provisions of this Act, the Sums so certified as aforesaid by the Speaker to be due to such Witness, or if such Petitioner or Petitioners shall neglect or refuse, for the Space of Six Months after Demand, to pay to any Party who shall appear in opposition to the said Petition the Sum so certified by the Speaker as aforesaid to be due to such Party for their Costs or Expences, and if such Neglect or Refusal shall, within One Year after the granting of such Certificate, be proved to the Speaker's Satisfaction, by Affidavit sworn before any Master of the High Court of Chancery, (and such Master is hereby authorized to administer such Oath, and is authorized and required to certify such Affidavit under his Hand,) in every such Case every Person who shall have entered into a Recognizance relating to such Petition under the Provisions herein-before contained shall be held to have made default in his said Recognizance; and the Speaker of the House of Commons shall thereupon certify such Recognizance into the Court of Exchequer, and shall also certify that such Person or Persons have made default therein, and such Certificate shall be conclusive Evidence of such Default; and the Recognizance, being so certified, shall be delivered by the Clerk or one of the Clerks Assisstant of the House of Commons into the Hands of the Lord Chief Baron of the Court of Exchequer, or of one of the Barons of the Exchequer, or of such Officer as shall be appointed by the Court to receive the same, and shall have the same Effect as if the same were estreated from a Court of Law; and the Validity thereof (the Handwriting of the Speaker to such Certificate being duly verified) shall not be called in question upon the Allegation of any Matter anterior to the Date of such Certificate.

Recognizances when to be estreated, &c.

XCVIII. And be it enacted, That if any Sheriff or other Returning Officer or Officers shall wilfully delay, neglect, or refuse duly to return any Person who ought to be returned to serve in Parliament for any County, City, Borough, District of Burghs, Port, or Place within *Great Britain* or *Ireland*, such Person may, in case it shall have been determined by a Select Committee appointed in the Manner herein-before directed that such Person was entitled to have been returned, sue the Sheriff or other Officer or Officers having so wilfully delayed, neglected, or refused duly to make such Return at his Election, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall recover double the Damages he shall sustain by reason thereof, together with full Costs of Suit, provided such Action is commenced within One Year after the Commission of the Act on which it is grounded, or within Six

Returning Officer may be sued for neglecting to return any Person duly elected.

Months after the Conclusion of any Proceedings in the House of Commons relating to such Election.

Commence-
ment of Act.

Provision for
Election Peti-
tions remaining
at the Close
of the present
Session.

XCIX. And be it enacted, That this Act shall commence and take effect from the End of this present Session of Parliament.

C. And be it enacted, That if at the Close of the present Session of Parliament there shall be any Election Petition or Petitions before the House, the Order for taking which into consideration shall not have been discharged, and for trying which no Committee or Committees shall have been appointed, such Election Petition or Petitions shall, in case the Sureties relating thereto shall have been reported unobjectionable, be tried by a Committee or Committees to be chosen under the Provisions of this Act, and shall be referred to the General Committee of Elections before any Petition presented in the next Session, and the General Committee shall, within Two Days after their first Meeting, appoint a Day and Hour for selecting a Committee to try every such Petition: and the Recognizances entered into in respect of such Petitions shall be taken to remain in force for securing Payment of all Costs and Expences which the Petitioners shall be liable to pay under the Provisions of this Act: Provided always, that if the Parliament shall be prorogued after the Appointment of a Select Committee for the Trial of any such Petition as aforesaid, and before they shall have reported to the House their Determination thereon, such Committee shall not be dissolved by such Prorogation, but shall be thereby adjourned to Twelve of the Clock on the Day immediately following that on which Parliament shall meet again for the Despatch of Business (*Sunday, Good Friday, and Christmas Day* always excepted); and all Proceedings of such Committee, and of any Commission to take Evidence issued under the Authority of such Committee, shall remain and continue to be of the same Force and Effect as if Parliament had not been so prorogued, and as if the Act passed in the Fifth Year of Her Majesty, intitled *An Act to amend the Law for the Trial of controverted Elections*, had continued in force; and such Committee shall meet on the Day and Hour to which it shall be so adjourned, and shall thenceforward continue to sit from Day to Day in the Manner provided in the last-mentioned Act, until they shall have reported to the House their Determination on the Merits of such Petition: and all further Proceedings shall be had, with reference to such Petition, as if the said last-mentioned Act had continued in force.

4 & 5 Vict. c. 58.

Act may be
amended, &c.

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

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

Form of Recognizance.

BE it remembered, That on the _____ Day of _____
in the Year of our Lord _____ before me *A. B.* (Examiner
of Recognizances for the House of Commons) [*or One of Her
Majesty's Justices of the Peace for the County of _____*],
came *C. D.* of, &c., *E. F.* of, &c., *G. H.* of, &c., *I. K.* of, &c., and
L. M.

L. M. of, &c., and severally acknowledged themselves to owe to our Sovereign Lady the Queen the following Sums; (that is to say,) the said *C. D.* the Sum of One thousand Pounds, and the said *E. F.* the Sum of _____ Pounds, [the said *G. H.* the Sum of _____ Pounds, the said *I. K.* the Sum of _____

Pounds, and the said *L. M.* the Sum of _____ Pounds,] to be levied on their respective Goods and Chattels, Lands and Tenements, to the Use of our said Sovereign Lady the Queen, Her Heirs and Successors.

The Condition of this Recognizance is, that if the said *C. D.* and *X. Y.*, (*the other Petitioner, if any*), or either of them, shall well and truly pay all Costs and Expences which any Committee of the House of Commons selected to try the Matter of the Petition signed by the said *C. D.* and *X. Y.* (complaining of an undue Election or Return for the [*here state the Place*]), [*or* (complaining that no Return has been made for the said _____ within the Time limited by Act of Parliament), *or* (complaining that the Return made for the said _____ is not a Return of a Member or Members according to the Requisition of the Writ), *or* (complaining of the special Matters contained in any such Return)] shall adjudge to be payable by the said *C. D.* and *X. Y.* (*the other Petitioner, if any*), or either of them, and shall also well and truly pay the Costs and Expences due and payable by the said *C. D.* and *X. Y.*, (*the other Petitioner, if any*), and each of them, to any Witness summoned in his or their Behalf, or to the Party who shall appear in opposition to the said Petition, in case the said *C. D.* and *X. Y.* (*the other Petitioner, if any*), shall be allowed to withdraw his or their said Petition, then this Recognizance to be void, otherwise to be of full Force and Effect.

C A P. CIV.

An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament.

[9th August 1844.]

- I. There shall be applied, for the Service of the Year 1844, £6,969,856 10s. 3d. out of the Consolidated Fund.
- II. The Treasury may cause £6,969,856 10s. 3d. of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.
- III. The Clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer Bills.
 - V. Bank of England may advance £6,969,856 10s. 3d. on the Credit of this Act.
- VI. 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 by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. The Treasury to issue £184,324 9s. 9d. the Surplus of Ways and Means, and £500,000 now in the Exchequer, to complete the Aids granted for 1842 and 1843.

X. Monies coming into the Exchequer by cc. 6. and 28. *ante*,—£18,407,300 by Exchequer Bills under c. 14. *ante*,—and also the said £6,969,856 10s. 3d., £184,324 9s. 9d., and £500,000 shall be applied as hereafter expressed.

XI. There shall be issued and applied,

£ 6,250,120	0	0	For Naval Services, <i>viz.</i>	
1,170,476	0	0	For Wages of 36,000 Seamen and Marines, and the Ordinary and Yard Craft	
544,960	0	0	For their Victuals	
126,826	0	0	For Salaries of Officers and contingent Expences of the Admiralty	
2,980	0	0	For Salaries of Officers and contingent Expences of the Registry of Merchant Seamen	
38,076	0	0	For ditto of Scientific Departments of the Navy	
127,927	0	0	For ditto of Naval Establishments at home	
22,426	0	0	For ditto abroad	
649,104	0	0	For Wages of Artificers, Labourers, and others in Naval Establishments at home	
42,080	0	0	For ditto in Naval Establishments abroad	
1,053,965	0	0	For Naval Stores, &c.	
298,866	0	0	For new Works, Improvements, and Repairs in Yards	
20,165	0	0	For Medicines and Medical Stores	
61,630	0	0	For Naval Miscellaneous Services	
742,296	0	0	For Naval Half Pay	
495,626	0	0	For Military Pensions and Allowances	
162,959	0	0	For Civil ditto	
160,890	0	0	For Charge of Transport and Freight of Stores and other Charges on account of the Army and Ordnance	
96,327	0	0	For conveying Convicts to <i>New South Wales, &c.</i>	
432,541	0	0	For Mail Packet Service	
XII. 6,617,249	0	0	For Army Services after mentioned, <i>viz.</i>	
3,431,764	0	0	For Forces at home and abroad (except <i>India</i>)	
158,231	0	0	For General Staff and Officers of Hospitals at home and abroad (except <i>India</i>), and for the Garrison of the <i>Tower</i>	

To
31st March 1845.

From
1st April 1844
to
31st March 1845.

£ 90,308	0	0	For Allowances to principal Officers of Military Departments in <i>Great Britain</i> , their Deputies, Clerks, and contingent Expences - -	} From 1st April 1844 to 31st March 1845.
13,408	0	0	For Royal Military Asylum and <i>Hibernian</i> Military School -	
88,077	0	0	For Volunteer Corps - -	
1,649	0	0	For Services for former Years	
13,953	0	0	For Rewards for Military Services, and Allowances to Garrison Officers at home and abroad - -	
77,000	0	0	For Pay of General Officers not being Colonels of Regiments - -	
62,300	0	0	For Full Pay of Reduced and Retired Officers - -	
450,000	0	0	For Half Pay and Allowances to Reduced and Retired Officers - -	
54,932	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 -	
141,610	0	0	For Pensions to Widows of Officers - -	
110,000	0	0	For Compassionate List, Allowances as of Her Majesty's Bounty, and Pensions to wounded Officers - -	
1,252,792	0	0	For <i>Chelsea</i> and <i>Kilmainham</i> Hospitals, &c. - -	
38,500	0	0	For Superannuations to Persons formerly belonging to public Military Departments -	
436,284	0	0	For the Commissariat Department, to the 31st March 1845.	
46,618	0	0	For Half Pay, Pensions, and Allowances, to ditto.	
149,823	0	0	For disembodied Militia, to ditto.	
§ XIII. 1,859,064	0	0	For Ordnance Services for the Year 1844-45, viz.	
127,043	0	0	For Civil Establishments at the <i>Tower</i> , <i>Pall Mall</i> , <i>Woolwich</i> , and at Out-Stations at home and abroad.	
111,707	0	0	For Engineers, Sappers, and Miners.	
343,552	0	0	For the Artillery, <i>African</i> Gunners at <i>Jamaica</i> , Master Gunners, Field Train, and Medical Department, and Military Academy.	
39,297	0	0	For Salaries to Barrack Masters at home and abroad.	
483,721	0	0	For Ordnance Works and Repairs, Clerks of Works, &c.	

	£ 166,796	0	0	For Ordnance Surveys, Military and Civil Contingencies, &c.	
	229,580	0	0	For Ordnance and Military Store Branch.	
	163,680	0	0	For Ordnance Superannuations, Retired Allowances, Pensions, &c.	
	174,688	0	0	For Commissariat Supplies.	
	19,000	0	0	For repairing Damages at the Royal Gunpowder Manufactory, &c.	
§ XIV.	There shall be issued and applied,				
	18,407,300	0	0	To pay off Exchequer Bills charged on the Aids of 1844.	
	500,000	0	0	To discharge Supplies granted for 1843 or any preceding Year.	
XV.	100,000	0	0	For Civil Contingencies to the 31st March 1845.	
	112,190	0	0	For Public Buildings, Works, &c. heretofore charged upon the Civil List, to ditto.	
	5,420	0	0	For temporary Accommodation for the Houses of Parliament, &c., to ditto.	
	60,000	0	0	For new Houses of Parliament, to ditto.	
	7,000	0	0	For Works in <i>Trafalgar Square</i> .	
	4,164	0	0	For <i>Holyhead</i> Harbour and <i>Shrewsbury</i> and <i>Holyhead</i> Road to the 31st March 1845.	
	50,000	0	0	For the <i>Caledonian</i> Canal.	
	26,871	0	0	For Public Works, Inland Navigation, and other Services in <i>Ireland</i> to the 31st March 1845.	
	8,000	0	0	For Works, &c. at <i>Kingstown</i> Harbour to ditto.	
	5,500	0	0	For <i>Port Patrick</i> Harbour in 1844.	
XVI.	59,350	0	0	For Salaries, &c. of the Houses of Parliament	
	55,600	0	0	For Salaries and Expences of the Treasury	
	18,703	0	0	For ditto of the Home Department	
	67,000	0	0	For ditto of the Foreign ditto	
	22,100	0	0	For ditto of the Colonial ditto	
	32,500	0	0	For ditto of the Privy Council	
	2,000	0	0	For the Lord Privy Seal	
	31,689	0	0	For the Office of the Paymaster General	
	16,068	0	0	For Salaries, &c. of the Office of the Comptroller General of the Exchequer and Paymaster of Civil Services	
	2,600	0	0	For Expences of the State Paper Office	
	3,200	0	0	For Ecclesiastical Commissioners	
	53,000	0	0	For the Poor Law Commissioners	
	53,236	0	0	For Expences at the Mint	
	13,467	0	0	For Public Records	

To
31st March 1845.

	£ 9,700	0 0	For Salaries, &c. of Factory Inspectors - - -	} To 31st March 1845.
	6,464	0 0	For Salaries of Household of Lord Lieutenant of <i>Ireland</i>	
	20,400	0 0	For ditto in the Chief Secretary's Department - -	
	4,979	0 0	For Paymaster of Civil Services in <i>Ireland</i> - -	
	6,275	0 0	For Public Works in <i>Ireland</i>	
	39,200	0 0	For Foreign and Secret Services - - -	
	212,324	0 0	For Stationery, Printing, &c. for Public Departments and Parliament - - -	
	4,950	0 0	For Printing, &c. in <i>Ireland</i> -	
§ XVII.	30,000	0 0	For Law Charges - - -	
	13,360	0 0	For prosecuting the Offenders against the Laws relating to the Coin - - -	
	150,000	0 0	For Charges hitherto paid out of the County Rates for 1844.	} To 31st March 1845.
	18,400	0 0	For Expences of Sheriffs and Deficiencies of Fees in the Remembrancer's Office, &c.	
	13,000	0 0	For Salaries and Expences of Insolvent Debtors Court -	
	18,586	0 0	For Prison at <i>Parkhurst</i> for Juvenile Offenders - -	
	20,364	0 0	For <i>Pentonville</i> Prison -	
	47,689	0 0	For the Penitentiary at <i>Milbank</i>	
	3,972	0 0	For confining and maintaining Criminal Lunatics -	
	6,500	0 0	For Salaries, &c. of Inspectors of Prisons - - -	
	63,935	0 0	For Law Expences in <i>Scotland</i>	
	62,109	0 0	For ditto in <i>Ireland</i> - - -	
	30,000	0 0	For <i>Dublin</i> Police - - -	} To 31st March 1845.
	6,337	0 0	For Buildings, &c. at the Convict Depôt, <i>Dublin</i> , for 1844.	
	87,090	0 0	For Convicts at home, <i>Bermuda</i> , and <i>Gibraltar</i> , to 31st March 1845.	
	300,000	0 0	For Convicts in <i>New South Wales</i> and <i>Van Diemen's Land</i> , to ditto.	
XVIII.	37,987	0 0	For the <i>British Museum</i> to <i>Lady Day</i> 1845.	
	4,588	0 0	For the <i>London University</i> -	
	7,380	0 0	For the <i>Scottish Universities</i> -	
	300	0 0	For the <i>Royal Irish Academy</i>	
	300	0 0	For <i>Royal Hibernian Academy</i>	
	5,850	0 0	For the <i>Royal Dublin Society</i>	
	2,100	0 0	For <i>Belfast</i> Academical Institution - - -	
	46,030	0 0	For new Buildings, &c. at the <i>British Museum</i> - - -	
	3,245	0 0	For purchasing Collections for the same.	

£ 1,500	0	0	For the National Gallery	-	
2,300	0	0	For the Museum of Economic Geology	-	
7,235	0	0	For Observatories at <i>Toronto, Saint Helena, Cape of Good Hope, and Van Diemen's Land,</i> and other Works, and Publications	-	To 31st March 1845.
1,500	0	0	For Monuments to the Memory of <i>Sir Sydney Smith, Lord Exmouth, and Lord De Sausmarez.</i>		
5,000	0	0	For the Agricultural Museum, <i>Edinburgh,</i> for 1844.		
2,000	0	0	For the Botanic Garden, <i>Dublin,</i> for ditto.		
40,000	0	0	For Public Education in <i>Great Britain</i> for ditto.		
72,000	0	0	For Education in <i>Ireland</i>	-	
8,928	0	0	For the Roman Catholic College, <i>Ireland</i>	-	
4,411	0	0	For the School of Design and Aid to Provincial Schools	-	
2,006	0	0	For Professors at <i>Oxford</i> and <i>Cambridge</i>	-	To 31st March 1845.
2,345	0	0	For Salaries of certain Officers in <i>Scotland</i> formerly paid from Hereditary Revenue	-	
6,000	0	0	For Repairs to Colleges in <i>Saint Andrew's</i> University for 1844.		
8,000	0	0	For completing Monument to <i>Lord Nelson</i> in <i>Trafalgar Square.</i>		
7,524	0	0	For Pictures for the National Gallery for 1844.		
6,900	0	0	For Books, Coins, &c. for the <i>British Museum</i> for ditto.		
§ XIX.	3,410	0	0	For the Civil Establishment of the <i>Bahama Islands</i>	
	4,049	0	0	For ditto of the <i>Bermudas</i>	
	3,070	0	0	For ditto of <i>Prince Edward's Island</i>	
	400	0	0	For Establishment at <i>Sable Island</i> for Relief of shipwrecked Persons	
13,680	0	0	0	For Civil Establishments on the Western Coast of <i>Africa</i>	
13,500	0	0	0	For ditto of <i>Saint Helena,</i> and for Pensions and Allowances to Civil and Military Officers of the <i>East India</i> Company's late Establishment in that Island	To 31st March 1845.
7,219	0	0	0	For Settlement of <i>Western Australia</i>	
3,775	0	0	0	For Expences incurred at <i>South Australia</i>	
4,224	0	0	0	For Settlement at <i>Port Essington</i>	

	9,812	0	0	For ditto of the <i>Falkland Islands</i> - - -	} To 31st March 1845.
	7,565	0	0	For <i>New Zealand</i> - - -	
	1,023	0	0	For Civil Establishment of <i>Heligoland</i> - - -	
	18,394	0	0	For Salaries of the Governors, &c. in the <i>West Indies</i> - - -	
	11,353	0	0	For Ecclesiastical Establishment in <i>North America</i> - - -	
	18,895	0	0	For the <i>Indian</i> Department in <i>Canada</i> - - -	
	11,282	0	0	For the Colonial Land and Emigration Board - - -	
	49,700	0	0	For Salaries, &c. to Stipendiary Justices in the Colonies - - -	
	12,000	0	0	For educating emancipated Negroes in 1844.	
	35,000	0	0	For Support of captured Negroes and liberated <i>Africans</i> - - -	
	24,000	0	0	For Commissioners for preventing Traffic in Slaves - - -	} To 31st March 1845.
	107,300	0	0	For Salaries to Consuls - - -	
	20,000	0	0	For Ministers at Foreign Courts - - -	
	80,000	0	0	For Settlement at <i>Hong Kong</i> and Establishments in <i>China</i> - - -	
§ XX.	85,800	0	0	For Allowances and Compensations to Persons formerly in Public Offices or in the Public Service - - -	
	6,200	0	0	For <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers Widows, <i>Saint Domingo</i> Sufferers, <i>American</i> Loyalists, &c. - - -	
	1,850	0	0	For the Vaccine Institution, for 1844.	
	3,000	0	0	For the Refuge for the Destitute, for 1844.	
	12,100	0	0	For <i>Polish</i> Refugees and distressed <i>Spaniards</i> , to 31st March 1845.	
	4,979	0	0	For Allowances formerly paid from the Civil List.	
	2,154	0	0	For Charities and other Charges in <i>Scotland</i> - - -	} To 31st March 1845.
	6,767	0	0	For the Foundling Hospital in <i>Dublin</i> - - -	
	13,429	0	0	For the House of Industry in <i>Dublin</i> - - -	
	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 - - -	
	3,000	0	0	For the Fever Hospital and House of Recovery - - -	

	£ 500	0	0	For the Hospital for Incurables	} To 31st March 1845.
	700	0	0	For Charity Commissioners in <i>Ireland</i> - - -	
	35,630	0	0	For Protestant Dissenting Ministers in <i>Ireland</i> - -	
	7,340	0	0	For Charitable Allowances in <i>Ireland</i> - - -	
§ XXI.	5,000	0	0	For the Townland Survey of <i>Ireland</i> - - -	
	2,997	0	0	For Improvement of the <i>Shannon</i> - - -	
	1,330	0	0	For Works, &c. at the <i>British</i> Ambassador's House at <i>Paris</i> .	
	10,000	0	0	For ditto at <i>Constantinople</i> .	
	50,000	0	0	For Steam Communication to <i>India</i> , to 31st March 1845.	
	16,600	0	0	For Militia and Volunteers in <i>Canada</i> , for 1844.	
XXII.	Supplies to be applied only for the Purposes aforesaid.				
XXIII.	Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, 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.				
XXIV.	Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.				
XXV.	Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 6 & 7 <i>Vict. c. 99.</i> , indemnified.				
XXVI.	Half Pay allowed to the Officers of the <i>Manx</i> Fencibles.				
XXVII.	Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.				
XXVIII.	The Surplus of the Sum appropriated to Half Pay by 6 & 7 <i>Vict. c. 99.</i> authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as Her Majesty shall direct.				
XXIX.	Widows and Persons claiming Pensions shall make the required Declaration.				
XXX.	Declaration to be made as specified in 5 & 6 <i>W. 4. c. 62.</i>				

C A P. CV.

An Act to confirm and enfranchise the Estates of the Conventi-
onary Tenants of the ancient Assessionable Manors
of the Duchy of *Cornwall*, and to quiet Titles within the
County of *Cornwall* as against the Duchy; and for other
Purposes. [9th August 1844.]

Charter,
11 Edw. 3.

‘ WHEREAS His late Majesty King *Edward* the Third, by
‘ His Charter dated the Seventeenth Day of *March* in the
‘ Eleventh Year of His Reign, and confirmed by Parliament,
‘ granted unto His eldest Son *Edward* then Duke of *Cornwall*,
‘ and His Heirs, (among other things,) certain Lands and Tene-
‘ ments therein mentioned, to hold the same to Him and to the

first-begotten Son of Him and of His Heirs Kings of *England*
 and Dukes of the same Place, so that from the same Duchy
 they might at no Time be in anywise separated: And whereas
 His Royal Highness *Albert Edward* Prince of *Wales* now stands
 seized of the Duchy of *Cornwall* and the Possessions thereof:
 And whereas the several Manors mentioned in the First and
 Second Schedules hereto annexed, situate in the County of
Cornwall, and usually called "Assessionable Manors," are Part
 of the said Lands and Tenements granted by the said Charter:
 And whereas certain Tenements lying within the same Manors
 respectively, and usually called "Conventiory Tenements,"
 have been held under Grants made and renewed at the Courts
 called Assession Courts, holden under Commissions for that Pur-
 pose generally once in every Seven Years for the said Manors
 respectively, upon Payment of divers Fines and Acknowledg-
 ments and Fees, and subject to the Payment and Render of cer-
 tain Rents, Heriots, and Services; and Surrenders of and Admit-
 tances to the Estates created by such Assessional Grants have
 been usually made, taken, and granted at Courts held for the
 said Manors respectively before the Stewards or Deputy Stewards
 of the same: And whereas the Nature and Quantity of the
 Estates created by such Grants have been disputed, but the said
 Conventiory Tenements have by the Tenants thereof been
 usually considered to be held as Customary Tenements of In-
 heritance, with a perpetual Right of Renewal, and have by the
 said Tenants been conveyed and assured and dealt with accord-
 ingly: And whereas the Mines and metallic Minerals in, upon,
 and under the said Conventiory Tenements, and the Freehold
 thereof, have always belonged to the Duke of *Cornwall*; but the
 Right of the Duke of *Cornwall* to enter upon the said Con-
 ventiory Tenements, and work, get, and dispose of the Mines and
 metallic Minerals in, upon, and under the same, has been dis-
 puted: And whereas the Manors comprised in the said Second
 Schedule hereto annexed were some time since sold and disposed
 of under the Authority of a certain Act for the Redemption of
 Land Tax, but with the express Exception and Reservation, in
 the several Conveyances thereof, of all Mines and Minerals
 within and under the same, with full and free Liberty of Ingress,
 Egress, and Regress to dig, search for, take, use, and work the
 said Mines and Minerals; but it is apprehended that the Ex-
 pression "Minerals" in such Exceptions and Reservation was
 intended to mean metallic Minerals only: And whereas various
 Disputes have lately arisen as to the said Conventiory Tene-
 ments of the said Manors comprised in the said First Schedule
 hereto annexed, and in consequence thereof no Assession Courts
 have been held for any of the same Manors since the Year One
 thousand eight hundred and thirty-three: And whereas the
 Mines, Minerals, Stone, and Substrata in, upon, under, and of
 divers waste and other Lands within the said Manors comprised
 in the said First Schedule hereto annexed, and the Mines and
 metallic Minerals in, upon, and under divers waste and other
 Lands within the said Manors comprised in the said Second
 Schedule hereto annexed, respectively belong, or are claimed to
 belong, to the Duke of *Cornwall*: And whereas the said Con-
 ventiory

Assessionable
Manors men-
tioned in the
Schedules.

Conventiory
Tenements held
of such Manors
by Assessional
Grants.

Nature of the
Estates created
by such Grants.

' tionary Tenements holden of the said Manors comprised in the
 ' said First and Second Schedules hereto annexed are very vaguely
 ' and uncertainly described in the Grants thereof, and the Boun-
 ' daries, Identity, and Situation thereof, and of the waste and other
 ' Lands lying within the said Manors respectively, which, or the
 ' Mines, Minerals, Stone, and Substrata in, upon, under, and of
 ' which, belong or are claimed to belong to the Duke of *Cornwall*,
 ' as aforesaid, are in many Cases disputed, and in other Cases not
 ' clearly ascertained or distinguished, and several Purprestures
 ' and Encroachments are supposed to have been made in and upon
 ' the Lands, Mines, Minerals, and Hereditaments of the Duke of
 ' *Cornwall* within the said Manors respectively: And whereas
 ' the Value as well of the said Conventiary Tenements, as of
 ' the other Lands, Mines, Minerals, and Hereditaments within the
 ' said Manors comprised in the said First and Second Schedules
 ' hereto annexed, has been greatly diminished by reason of the
 ' Premises: And whereas the several Statutes for the Limitation
 ' of Actions, Suits, and Claims by Her Majesty, Her Heirs or
 ' Successors, and by others the Subjects of Her Majesty, are for
 ' the most Part inapplicable to the Lands and Possessions of the
 ' Duchy of *Cornwall*: And whereas it is expedient, for the In-
 ' terest as well of the Duke of *Cornwall* as of all other Persons
 ' interested therein, or whose Lands adjoin thereto, that the Boun-
 ' daries, Identity, and Situation of the said Conventiary Tene-
 ' ments of the said Manors respectively comprised in the said
 ' First and Second Schedules hereto annexed, and of the waste
 ' and other Lands lying within the same Manors respectively, and
 ' which, or the Mines, Minerals, Stone, or Substrata in, upon,
 ' under, or of which, belong or are claimed to belong to the Duke
 ' of *Cornwall* as aforesaid, and of all other Lands within the said
 ' Manors which belong or are claimed to belong to the Duke of
 ' *Cornwall*, and the Particulars of the Purprestures and Encroach-
 ' ments herein-before referred to, should be ascertained and deter-
 ' mined in manner herein-after provided; and that the Estates of
 ' the Tenants in the said Conventiary Tenements held of the
 ' said Manors comprised in the said First Schedule hereto annexed
 ' should be established, and the Tenure thereof converted into
 ' Freehold, on the Terms and Conditions herein-after mentioned;
 ' and that the Rights and Estates of the Duke of *Cornwall* and
 ' all other Persons in respect of the Mines, Minerals, Stone, and
 ' Substrata in, upon, under, and of the Conventiary Tenements
 ' held of the said Manors comprised in the said First and Second
 ' Schedules hereunto annexed, and in, upon, under, and of all
 ' waste and other Lands within the same Manors respectively,
 ' the Mines, Minerals, Stone, or Substrata in, upon, under, or of
 ' which belong or are claimed to belong to the Duke of *Cornwall*,
 ' and the Rights, Powers, and Privileges of the Duke of *Cornwall*,
 ' as to getting, selling, and disposing of the same, should be de-
 ' clared, established, and regulated; and that such Provision
 ' should be made as is herein-after contained for the Limitation
 ' of Actions, Suits, and Claims by and on behalf of the Duke of
 ' *Cornwall* within the County of *Cornwall*; but the several Pur-
 ' poses aforesaid cannot be effected without the Aid and Authority
 ' of Parliament: Be it therefore enacted by the Queen's most

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Tenements which were granted and held in Convention at the last Assession Courts for the said Manors mentioned in the said First Schedule hereunto annexed respectively, and which, if the Grants thereof had been duly renewed at subsequent Assession Courts holden for the said Manors respectively in the ordinary Course, would have been held as such Conventi-
 onary Tenements by successive Grants continuously for Sixty Years or more before the First Day of *May* One thousand eight hundred and forty-four, shall from and after the passing of this Act, and until such Award or Awards shall have been made as herein-after mentioned, continue to be held by the Tenants thereof respectively for the same Estates and Interests, and in the same Manner, and may be assured by Surrender and Admittance, and by Will or otherwise, in the same Manner in every respect as the same Tenements respectively would have been held and might have been assured if the Grants thereof had been duly renewed as aforesaid, and this Act had not been made and passed; but subject nevertheless to the Payment and Render of all Fines for Renewal, Heriots, Rents, Payments, Fees, and Services which would have become payable if the Grants thereof had been duly renewed as aforesaid, and this Act had not been made or passed, (and which same Fines, Heriots, Rents, Payments, Fees, and Services the Duke of *Cornwall* is hereby authorized to recover and enforce by the heretofore accustomed Means, or by Distress and Entry, as in case of Rent-charge, upon the same Tenements respectively,) and subject also to all the existing Rights of the Duke of *Cornwall* and his Lessees, and other Persons claiming under him, with respect to Mines, Minerals, Stone, Substrata, and other Profits to him belonging, in, upon, under, and of the same.

Confirmation of the Estates of the Conventi-
 onary Tenants of the unsold Manors.

II. And be it enacted, That *John Farquhar Fraser of Lincoln's Inn*, Barrister-at-Law, Esquire, *James Vetch* Esquire, Captain in the Corps of Royal Engineers, and *John Maurice Herbert of Lincoln's Inn*, Barrister-at-Law, Esquire, and their Successors (to be appointed as after mentioned), shall be and they are hereby appointed Commissioners for the Purposes herein-after mentioned.

Appointment of Commissioners.

III. And be it enacted, That in case the said Commissioners, or any of them, or any Person to be hereafter appointed a Commissioner by virtue of this Act, shall die or refuse or neglect to act, or shall resign or be removed or become incapable of acting, then the Court of Chancery shall from Time to Time, on summary Application made to it for that Purpose by Petition, refer it to a Master of the said Court to approve of a fit Person to be appointed a Commissioner in the Stead of such Commissioner or Commissioners so dying or refusing or neglecting to act, or so resigning or being removed or becoming incapable of acting; and on such Approval being confirmed by an Order of the said Court, such Person so approved shall thereupon be deemed to be appointed, and shall be a Commissioner for the Purposes of this Act; and if the said Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting as aforesaid, shall be the said *James Vetch*, or any Commissioner to

For Appointment of new Commissioners on Vacancies.

be appointed in his Stead, then the aforesaid Application and the Proposal of a fit Person to be so appointed shall be made by the Duke of *Cornwall*; and if the Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting, shall be the said *John Farquhar Fraser*, or any Commissioner to be appointed in his Stead, then the said Application and the Proposal of a fit Person to be so appointed shall be made by any Three or more Persons, being Conventiounary Tenants of some or one of the said Manors mentioned in the said First and Second Schedules hereunto annexed, or Freehold Tenants of Lands within the Ambit of some or one of the said Manors or immediately contiguous thereto, and interested in the Award or Awards of the said Commissioners; and on the Behalf of the said Conventiounary or Freehold Tenants several Persons may be proposed, so as Three or more join in the Proposal; and if the said Commissioner who shall so die, refuse, or neglect to act, or resign or be removed or become incapable of acting, shall be the said *John Maurice Herbert*, or any Commissioner to be appointed in his Stead, then the said Application and the Proposal of a fit Person to be so appointed shall be made by the other Two Commissioners acting under this Act; and if they cannot agree on a Person to be so named, then each of the said Two Commissioners may name a fit Person for the Approbation of the said Court, who shall select and appoint a Commissioner accordingly: Provided always, that if the Commissioner who shall so die, or refuse or neglect to act, or resign or be removed or become incapable of acting as aforesaid, shall be the said *John Farquhar Fraser*, or any Commissioner to be appointed in his Stead, and no Person shall be appointed by the said Court to fill such Vacancy within Two Calendar Months from the same happening on an Application on behalf of the Conventiounary or Freehold Tenants aforesaid, then and in such Case a Commissioner may be appointed by the said Court on the Proposal of the other Two Commissioners acting under this Act, or either of them, as in the Case of a Vacancy by the Death, Refusal, Neglect, Resignation, Removal, or Incapacity of the said *John Maurice Herbert* or any Commissioner to be appointed in his Stead: Provided always, that all the Expences attending the making any such Application by or on behalf of the Conventiounary or Freehold Tenants shall be borne by the Parties making the same, and the Expences of any Application to be made by the said Duke of *Cornwall*, or of the said Two Commissioners acting under this Act, shall be borne by the said Duke of *Cornwall*.

Neglect of Commissioners to attend Three Meetings to be considered a Refusal to act.

IV. Provided always, and be it enacted, That if any Commissioner shall at any Time wilfully absent himself from any Three successive Meetings appointed to be holden by virtue of this Act (such Commissioner not having been prevented by Sickness or other inevitable Cause, to be allowed by the Duke of *Cornwall*, from attending or continuing at such Meetings), then such Non-attendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act.

Commissioners may be removed in case of Mis-

V. And be it enacted, That if the said Commissioners hereby appointed, or any of them, shall be guilty of corrupt or improper Conduct in the Execution of the Duties on them imposed by this Act,

Act, or shall not use due Diligence in the Execution thereof, or shall become possessed of any Right, Title, Estate, or Interest to or in any Hereditaments or Property in the County of *Cornwall*, or shall hold any Office under the Duchy of *Cornwall*, it shall be lawful for any Three or more Conventiary Tenants, or any Three or more of such Freehold Tenants as aforesaid, or for the Duke of *Cornwall*, to apply to the Court of Chancery, by Petition, for the Removal of such Commissioners or Commissioner, such Petition being accompanied by Two or more Affidavits verifying the material Facts therein alleged; and the said Court of Chancery shall hear and determine the Matter of the said Petition, in such Manner and subject to such Rules and Orders, and upon such Evidence and Inquiry, as it shall think fit; and the Costs incurred in the Prosecution of any Proceeding in the said Court of Chancery under this Act, in respect of the Removal of any Commissioners or Commissioner, shall be paid by such Party or Person, and be taxed in such Manner as the said Court shall direct.

conduct or becoming interested Parties.

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

Commissioners to make a Declaration before acting.

‘ I *A.B.* do solemnly declare, That I will honestly, according to the best of my Skill, execute the Powers vested in me as a Commissioner by an Act passed in the Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [here set forth the Title of this Act], according to good Conscience, without Favour to any Person; and I make this solemn Declaration under the Provisions of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the 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.’*

Form of Declaration.

VII. And be it enacted, That *John Douglas Cook* Esquire shall be and he is hereby appointed Secretary to the said Commissioners, and that it shall be lawful for the said Commissioners, with the Consent of the Duke of *Cornwall*, from Time to Time to remove the said *John Douglas Cook*, and any Person who shall hereafter be appointed Secretary to the said Commissioners, and also, with such Consent, from Time to Time to appoint another Person to be Secretary to the said Commissioners as Occasion shall require.

For Appointment of a Secretary to the Commissioners.

VIII. And be it enacted, That such Secretary shall keep a Book in which he shall make Minutes of the Proceedings of the said Commissioners, and shall enter the Names of the Commissioners attending as aforesaid; and the Entry of the Proceedings at each Meeting shall be signed by the Commissioners present; and it shall be lawful for any Person interested, at all reasonable Times,

Minutes of Proceedings to be kept, and to be Evidence, and open for Inspection.

to inspect the said Minutes upon Payment of a Fee of One Shilling for each such Inspection; and the Secretary of the said Commissioners shall furnish Copies of or Extracts from such Minutes to any Person interested requiring the same, after the Rate and upon the Payment of Four-pence *per Folio* of every Seventy-two Words: such Fees to be carried to the general Credit of the Funds of the Commission.

Remuneration of the Commissioners and their Secretary.

IX. And be it enacted, That each of the said Commissioners shall be paid, as a Remuneration for his Services, for each Day spent in the Execution of the Duties hereby imposed on him for the first Eighteen Calendar Months from the passing of this Act, the Sum of Four Guineas *per Day*, and after the Expiration of such Eighteen Calendar Months, for the next Twelve Calendar Months, the Sum of Three Guineas *per Day*; and the Secretary of the said Commissioners shall be paid, as a Remuneration for his Services, for each Day spent in the Execution of the Duties hereby reposed in him for the first Eighteen Calendar Months from the passing of this Act, the Sum of Three Guineas *per Day*, and after the Expiration of such Eighteen Calendar Months, for the next Twelve Calendar Months, the Sum of Two Guineas *per Day*; and the said Commissioners and their Secretary respectively shall also be paid all such travelling and other Expences as they shall actually and reasonably incur in the Execution of the Duties hereby imposed on them: Provided always, that it shall be lawful for the Duke of *Cornwall*, upon the Recommendation of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, if he shall think fit, to extend the Period for which the higher Rate of Remuneration shall be allowed to the said Commissioners and their Secretary as aforesaid.

Times and Places of Meetings of the Commissioners, and as to the Notices to be given of the same.

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

As to other Notices to be given.

XI. And be it enacted, That all other public Notices requisite to be given by the said Commissioners shall be given by Advertisement,

tisement, to be inserted in such of the public Newspapers usually circulated in the said County of *Cornwall* as they shall direct.

XII. And be it enacted, That any Two of the said Commissioners may perform the several Acts and Matters hereby authorized to be done by the said Commissioners, other than and except the making and Execution of the Award herein-after directed to be made; but no Act or Matter shall be done by Two Commissioners except during such Time as there shall be Three Commissioners appointed and acting under this Act.

Two Commissioners may act.

XIII. And be it enacted, That the said Commissioners shall have full Power and Authority, and are hereby required and directed, by the Testimony of Witnesses upon Oath (which Oath each and any one of the said Commissioners is hereby empowered to administer and receive), and by the Inspection and Examination of Records, Surveys, Maps, Deeds, Books, Court Rolls, Papers, and Writings, and by all or any other lawful Ways or Means, to inquire of and ascertain what Lands or Tenements within the several Manors mentioned in the said First and Second Schedules hereunto annexed now are or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four have been held as Conventiary Tenements, and the Boundaries, Identity, and Situation of all such Tenements, and to inquire of and ascertain which of the said Conventiary Tenements of the said Manors mentioned in the said First Schedule hereunder written would, on the said First Day of *May* One thousand eight hundred and forty-four, have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Assession Courts for the Renewal of such Grants had been duly held, and such Grants had been duly renewed in ordinary Course as aforesaid; and to inquire of and ascertain the waste and other Lands lying within the same Manors respectively, which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which, belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, and the Boundaries and Extent of the said several Manors mentioned in the said First and Second Schedules hereunto annexed, and generally to inquire of and ascertain what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, but so that the said Commissioners shall have regard to the Provisions in this Act contained for the Limitation of Actions and Suits and otherwise, and so that all Proceedings of the said Commissioners shall, with reference to the said Provisions for the Limitation of Actions and Suits, be deemed and taken to have been commenced on the said First Day of *May* One thousand eight hundred and forty-four; and also to inquire of and ascertain the several annual and other Rents, Fines, Acknowledgments, Payments, Fees, Heriots, and Services which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventiary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants

Commissioners to inquire of and ascertain Conventiary Tenements, and the Boundaries, Identity, and Situation thereof, and all Lands, Mines, and Minerals belonging to the Duke of *Cornwall* within the Assessionable Manors.

of such Conventiory Tenements, or on the Surrender of or Admittance thereto or otherwise, and the Arrears thereof respectively which have become due since the holding of the last Assession Courts for the said Manors respectively, and to inquire of and ascertain all such other Matters or Things as it shall in the Judgment of the said Commissioners be expedient to inquire of and ascertain in relation to the Premises, and to enable them the better to make the Award herein-after directed to be made.

Commissioners to determine the annual Sums for which casual Payments and Services may be justly commuted.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby required and directed to determine the annual Sums for which it will be just to commute all Fines, Heriots, Acknowledgments, Payments, Fees, and Services (other than annual Rents or Payments) which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventiory Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventiory Tenements, or the Surrender of or Admittance thereto, or otherwise; and in determining the Amount of the said annual Sums the said Commissioners shall assume the Rate of Four Pounds *per Centum* as the Rate of Interest upon which their Calculations are to be made.

All Persons claiming Interest in Conventiory Tenements to send in a Statement of their Claims to the Commissioners.

XV. And be it enacted, That all Persons having or claiming any Conventiory Tenement of any of the Manors mentioned in the said First and Second Schedules hereunto annexed shall, by themselves or their duly authorized Agents, deliver to the said Commissioners at some one of such Meetings as the said Commissioners shall appoint, or within such further Time (if any) as the said Commissioners shall think proper to allow, a Statement in Writing, signed by them or their respective Agents, of such their Claims, and shall therein set forth fully the Name and Description of such Tenement, as specified in the last assessional Grant thereof, and the Boundaries, Particulars, and Situation of the Lands which they shall believe to constitute such Tenement, or which they shall claim by virtue of such assessional Grant as aforesaid, or of any other the Estate or Interest which they shall claim, and of the Particulars thereof; and all such Claims and Statements, or true Copies thereof, shall at all reasonable Times, until after the Execution of the Award or Awards of the said Commissioners, be open to the Inspection of the Duke of *Cornwall*, and all other Parties claiming to be interested therein, and their respective Agents, who may take Copies thereof or Extracts therefrom; and the said Commissioners shall, as soon as conveniently may be after the Receipt of every such Statement in Writing, deliver a Copy thereof to the Duke of *Cornwall*, or to some Person authorized by him to receive the same.

Persons may appear by Agents, but not by Counsel.

XVI. And be it enacted, That it shall be lawful for any Person interested in the Subject Matters of the said Inquiries or Award herein-after directed to be made, to appear before the Commissioners by himself or his Agent; but no Person shall appear before the said Commissioners by Counsel, except by a special Order in that Behalf to be made by the said Commissioners.

XVII. And

XVII. And be it enacted, That it shall be lawful for any Person interested in the Subject Matters of the said Inquiries or Award, by a Power of Attorney given in Writing under his Hand, to appoint an Agent to act for him for all or any of the Purposes of this Act; and all Things which by this Act are directed to be done by or with relation to any such 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 sign, concur in, and execute any Application or Act 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 a Witness or Witnesses, shall be deposited with the said Commissioners; and any such Power of Attorney may be in the Form following:

Persons may appoint Agents by Power of Attorney.

‘ I of do hereby appoint
 ‘ of to be my Attorney for all the Purposes of an
 ‘ Act passed in the Years of Her present Majesty,
 ‘ intituled [here set forth the Title of this Act], [or for the Pur-
 ‘ poses of (here specify the Purposes)].’

Form of Power.

XVIII. And be it enacted, That when any Person claiming to be a Conventiary Tenant, or his duly authorized Agent, shall have delivered to the said Commissioners such Statement in Writing, as is herein-before directed to be made by such Conventiary Tenant or his duly authorized Agent, of the Claim of such Conventiary Tenant, and such Statement shall be satisfactory to the said Commissioners, he or his Agent, shall not be required to attend before the said Commissioners in support of such Claim; and the said Commissioners shall award in conformity therewith, unless the same shall be objected to by the Duke of Cornwall or some other Person; and if the Duke of Cornwall or any other Person shall object to such Claim, he shall deliver to the said Commissioners a Statement in Writing of the Nature and Extent of his Objection thereto, and thereupon the said Commissioners shall deliver to the said Conventiary Tenant or his duly authorized Agent a Copy of such Statement, and shall proceed to inquire into the said Claim by the Ways and Means herein-before directed.

Claims of Conventiary Tenants to be established, unless objected to.

XIX. And be it enacted and declared, That where the Duke of Cornwall, or any Person claiming to be entitled, otherwise than as a Conventiary Tenant, to any Lands, Tenements, Mines, Minerals, or Hereditaments within or immediately contiguous to the said Manors mentioned in the said Schedules hereunto annexed, was on the First Day of May One thousand eight hundred and forty-four in the actual Possession or Receipt of the Rents, Issues, and Profits of the same Lands, Tenements, Mines, Minerals, or Hereditaments respectively, such Possession or Receipt shall in any Proceeding before the Commissioners be deemed to be presumptive Evidence of the Title to the same Lands, Tenements, Mines, Minerals, and Hereditaments respectively; and the Proof of any Claim adverse to such presumptive Title shall lie on the Duke of Cornwall, or other Person making the Claim.

Parties in possession to be deemed to be primâ facie Title.

Commissioners may frame and circulate Forms, &c.

XX. And be it enacted, That the said Commissioners may from Time to Time frame and cause to be printed Forms of Notices and Claims, and issue such Orders and Instructions as to Forms of Proceedings, as in their Judgment will further the Purposes of this Act; and shall supply all or any of such Forms or Instructions to the Person or Persons requiring the same, or to whom the Commissioners may think proper to supply the same for the Purposes of this Act.

Commissioners to employ Surveyors and others, and summon Witnesses, and order the Production of Documents.

XXI. And be it enacted, That it shall be lawful for the said Commissioners for any of the Purposes of this Act to employ such Surveyors, Valuers, and other Persons as to them shall seem fit, and also by Writing under their Hands to summon all such Persons as they may think fit to appear as Witnesses before them (including Officers and Lessees of the Duke of Cornwall and Conventiory Tenants, and other Persons interested in the Subject Matters of the said Inquiries and Award), and to examine such Persons upon Oath, and by the same or any other Writing under their Hands to order to be produced before them all Assession Books, Records, Surveys, Maps, Deeds, Books, Court Rolls, Papers, and Writings relating to any of the Matters or Things touching or concerning which the said Commissioners are hereby directed and empowered to inquire or ascertain, other than and except such Documents or Things as relate exclusively to the Title of any Person to Property not included in the Inquiries hereby authorized and directed.

Commissioners to order Payment of Expences of Witnesses and other Expences.

XXII. And be it enacted, That the said Commissioners, in any Case where they may see fit, may order and direct such Expences of Witnesses, and of the Production of Documents, Deeds, Maps, Plans, Surveys, and other Evidence, and all such other Expences (except the Remuneration and Expences of the said Commissioners or their Secretary) attending the Inquiries and Award and Maps hereby directed to be made as the said Commissioners shall think fit, to be paid by the Persons interested in the Premises, or any of them (including the Duke of Cornwall), and by such of the said Persons and in such Proportions as the said Commissioners shall direct.

The general Expences to be borne by the Duke of Cornwall and the other Persons interested, in certain Proportions.

XXIII. And be it enacted, That the Remuneration and Expences of the said Commissioners and their Secretary, and of all Surveyors, Valuers, and other Persons employed by the said Commissioners for the Purposes of this Act, and all other Expences of or incident to the Inquiries, Award, and Maps hereby directed to be made (except any Expences which the said Commissioners may order to be otherwise paid as aforesaid), shall be borne and paid as follows; one Half of such Part as shall be incurred in respect of the said Manors mentioned in the said First Schedule hereunto annexed of the said Remuneration and Expences shall be borne and paid by the Duke of Cornwall, and the other Half of the same Part by the Conventiory Tenants of the same Manors, and the other Persons (excepting the Duke of Cornwall) interested in the Subject Matters of the said Inquiries and Award in relation to the same Manors, in such Proportions and Manner as the said Commissioners, having regard to the Value of the Estates and Interests of such Tenants and other Persons respectively in the Subject Matters of the said Inquiries and Award, shall direct; and Seven
Twelfth

Twelfth Shares of such Part as shall be incurred in respect of the said Manors mentioned in the said Second Schedule hereunto annexed of the said Remuneration and Expences shall be borne and paid by the Duke of *Cornwall*, and the other Five Twelfth Shares of the same Part by the Owners and Conventiary Tenants of the same Manors, and the other Persons (excepting the Duke of *Cornwall*) interested in the Subject Matters of the said Inquiries and Award in relation to the same Manors, in such Proportions and Manner as the said Commissioners, having regard to the Value of the Estates and Interests of such Owners, Tenants, and other Persons respectively in the Subject Matters of the said Inquiries and Award, shall direct; and the said Commissioners are hereby authorized to determine what Parts of the said Remuneration and Expences shall be deemed to have been incurred in respect of the said Manors mentioned in the said First and Second Schedules hereunto annexed respectively, or in respect of any One or more of them; and in case any Part of the said Remuneration and Expences shall appear to have been incurred in respect of all the said Manors generally, then to apportion such Part amongst the same in such Proportions and Manner as the said Commissioners shall think fit: Provided nevertheless, that no Part of the said Remuneration or Expences shall be paid by any Lessee or Licensee of the Duke of *Cornwall*, unless such Lessee or Licensee shall become liable to pay a Share of such Remuneration and Expences by reason of his being a Conventiary Tenant, or of being interested in the Subject Matters of the said Inquiries and Award in some other Capacity than as a mere Lessee or Licensee of the Duke of *Cornwall*.

XXIV. And be it enacted, That the aforesaid Remuneration and Expences shall be paid by the Duke of *Cornwall* and the Owners of Manors, Conventiary Tenants, and other Persons aforesaid, in the Shares, Proportions, and Manner aforesaid, either altogether and at once, or by Instalments at different Times, as the said Commissioners shall think fit and shall direct the same to be paid.

Mode of Payment.

XXV. And be it enacted, That if any Person, other than the Duke of *Cornwall*, shall neglect or refuse to pay any Expences, or any Share, or the Instalment of any Share of Remuneration and Expences, which he shall be directed to pay by the said Commissioners as aforesaid, it shall be lawful for the said Commissioners to certify, under their Hands, the Amount to be paid by such Person; and upon the Complaint of the said Commissioners, or of the Duke of *Cornwall*, or any other Person interested in such Payment, and the Production of such Certificate before any Two Justices of the Peace for the County of *Cornwall*, 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 distressed upon.

Expences on Neglect or Default of Payment to be recovered by Distress.

XXVI. And be it enacted, That every Conventiary Tenant, and other Person interested in any Hereditaments to which the aforesaid Inquiries or Award relate, for an Estate less than an immediate

Power for Persons having limited Estates to charge Ex-

pences on the Estate.

immediate and absolute Estate of Inheritance, or which shall be settled upon any Uses or Trusts, and who shall be directed to pay any such Expences, or any Share of such Remuneration or Expences as aforesaid, may, with the Consent of the said Commissioners, and in such Manner as they may direct, charge so much of the said Remuneration or Expences as is to be defrayed by him, or any Part thereof, and the Interest thereon after the Rate of Four Pounds for One hundred Pounds for a Year, upon the said Hereditaments; but so nevertheless that the Charge upon such Hereditaments shall be lessened in every Year following the making of such Charge by One Twentieth Part at the least of the whole original Charge thereon.

Power for the Duke to advance Money on account of the Expences of the Act, and Provision for his being repaid.

XXVII. Provided nevertheless, and be it enacted, That it shall be lawful for the Duke of *Cornwall*, if he shall think fit, from Time to Time or at any Time, to pay or advance out of the Revenues and Monies of the Duchy of *Cornwall* any Monies which may be required in or towards the Payment of the Remuneration or Expences of the said Commissioners or their said Secretary, or of any of the other Expences aforesaid; and if the Monies so paid and advanced by the Duke of *Cornwall* shall exceed the Sum which he shall ultimately become liable to pay as his Share of the aforesaid Remuneration and Expences, then such Excess shall be repaid to the Duke of *Cornwall* by and out of the Monies to be levied and raised towards the Discharge of such Remuneration and Expences from the other Persons herein-before made liable to the Payment of the same.

Commissioners to keep Accounts.

XXVIII. And be it enacted, That the said Commissioners shall cause true and regular Accounts to be entered in a Book, to be provided for that Purpose, of all Monies received and expended under or by virtue of this Act; and such Accounts shall be from Time to Time audited by the Auditor of the Duchy of *Cornwall* and the Duke of *Cornwall*; and the said Conventiary Tenants, and all other Persons interested in the Subject Matters of the said Award, may, at all seasonable Times, inspect and take Copies of the Accounts, on Payment of such reasonable Fees as the said Commissioners shall appoint, such Fees to be carried to the general Credit of the Funds of the Commission.

Summons and Order of the Commissioners to have the same Effect, and be enforced, as if made by a Judge's Order.

XXIX. And be it enacted, That every Summons by the said Commissioners, pursuant to this Act, to any Person to appear before them, and also every Order made by them for the Production to them of any Survey, Map, Deed, Book, Court Roll, Paper, or Writing, shall be of the same Force and Effect in every respect, and Persons shall be liable to the same Consequences for disobeying any such Summons or Order, as if such Summons or Order respectively had been issued, granted, or made by a Judge of one of Her Majesty's Courts of Record at *Westminster* in a Matter within the Jurisdiction of such Judge; and shall, upon the Application of the said Commissioners, be made a Rule of any of the said Courts.

Power for Commissioners, Surveyors, and all other Persons employed by them, to enter

XXX. And be it enacted, That it shall be lawful for the said Commissioners, and all Surveyors and other Persons who may be employed by them for any of the Purposes of this Act, to enter in and upon any of the Lands or Tenements situate or lying, or claimed to be situate or lying, within any of the said Manors mentioned

tioned in the said First and Second Schedules hereunto annexed, and to survey and examine the same, and to set up all such Poles, Stones, or other Marks, and do all such other Acts and Things as in the Opinion of the said Commissioners shall be necessary or expedient for making such Survey and Examination as aforesaid, or for the Purpose of permanently marking any Boundaries hereby directed to be determined or distinguished, or for any of the other Purposes of this Act; and if any Person shall obstruct the said Commissioners, or any Persons employed by them as aforesaid, in the Execution of any such Survey or Examination as aforesaid, or shall wilfully or wantonly pull up, break down, remove, or damage any Poles, Stones, or other Marks, whether set up for the Purposes of such Survey or Examination, or for the Purpose of permanently marking any such Boundaries as aforesaid, such Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds, to be recovered by summary Proceeding, upon a Complaint made before any One Justice of the Peace for the County of *Cornwall*; and in default of Payment thereof, and of such Costs as such Justice shall direct to be paid, shall, on the Warrant of such Justice, be committed to Gaol, there to remain without Bail for any Term not exceeding Three Calendar Months, unless such Sum and Costs shall be sooner paid; and every such Sum or Forfeiture to be recovered as aforesaid shall be paid one Half to the Informer and the other Half to the Duke of *Cornwall*.

XXXI. And be it enacted, That when and so soon as the said Commissioners shall have made and done all such Inquiries and other Things in relation to the Premises as they shall think sufficient and expedient, it shall be lawful for the said Commissioners and they are hereby required and directed to make an Award in Writing under their Hands, and to annex to such Award a Map or Maps of the Tenements, Lands, or Manors to which the same shall relate, which Map or Maps shall be taken and deemed for all Purposes to be Part of the said Award, and in and by such Award Map or Maps to distinguish, specify, and determine what Lands or Tenements within the several Manors mentioned in the said First and Second Schedules hereunto annexed now are, or at any Time within One hundred Years before the First Day of *May* One thousand eight hundred and forty-four have been, held of the said several Manors respectively as Conventional Tenements, and the Boundaries, Identity, and Situation of all such Tenements, and also to distinguish, specify, and determine which of the said Conventional Tenements held of the said Manors comprised in the said First Schedule hereto annexed would at the passing of this Act have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Assession Courts for the Renewal of the said Grants had been duly held, and such Grants had been duly renewed, in ordinary Course as aforesaid; and also to distinguish, specify, and determine the waste and other Lands lying within the said Manors mentioned in the said First and Second Schedules hereunto annexed respectively, which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which belong to the Duke of *Cornwall*,

on the Lands, and erect Marks.

Penalty for obstructing them, or removing such Marks.

Commissioners to make an Award as to the Matters of which they are herein-before directed to inquire.

Cornwall, and the Boundaries, Identity, and Situation thereof, and the Boundaries and Extent of the said several Manors mentioned in the said First and Second Schedules hereunto annexed; and generally to distinguish, specify, and determine what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively; and in making such Award the said Commissioners shall have regard to and be bound by the Provisions in this Act contained for the Limitation of Actions and Suits, and otherwise; and all Proceedings of the said Commissioners shall, with reference to the said Provisions for the Limitation of Actions and Suits, and for the Purposes of the said Award, be deemed and taken to have been commenced on the said First Day of *May* One thousand eight hundred and forty-four; and also to distinguish, specify, and determine the several annual and other Rents, Fines, Acknowledgments, Heriots, Fees, Payments, and Services, which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventenary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventenary Tenements or otherwise, and the Arrears of all such Rents, Fines, Acknowledgments, Fees, and Payments, and the Value of all Heriots which have become due since the holding of the last Assession Courts for the said Manors respectively, and also to fix and determine the annual Sums for which such of the same Fines, Payments, Fees, Acknowledgments, Heriots, and Services as are not annual may and ought justly in the Opinion of the said Commissioners to be commuted, and the total annual Sums which ought thereafter to be paid out of such Conventenary Tenements in lieu of all such annual and other Rents, Fines, Acknowledgments, Heriots, Payments, Fees, and Services as aforesaid; and also to distinguish, specify, and determine all such special Matters and Things, having relation to the Premises, as the said Commissioners shall think proper to be specified in such Award.

Tin Bounds
excepted from
the Inquiry and
Award.

XXXII. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall give the said Commissioners any Power to inquire or award as to any Claims to Mines or Minerals, under or by virtue of the Custom or supposed Custom commonly called "Bounding," or as to any Claim, Title, or Interest known by the Name of "Tin Bounds;" but every Inquiry and Award by the said Commissioners shall be made without any Regard to the said Custom or supposed Custom of Bounding, or any Estate or Interest acquired thereby, and without Prejudice to any such Custom or supposed Custom, Estate or Interest.

Commissioners
may use Maps
made for Pur-
poses of Tithe
Commutation.

XXXIII. And be it enacted, That the said Commissioners may, if they think fit, use Maps which have been made for the Purposes of the Act for the Commutation of Tithes, and any other Maps which the said Commissioners shall think fit; and it shall be lawful for the said Commissioners to cause such Maps, or sufficient Portions of them, to be reduced and copied by Lithography, or otherwise as they may think necessary.

XXXIV. And

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners in and by such Award as aforesaid to apportion the total annual Sum which by such Award shall be fixed and determined and be payable out of any Conventiary Tenement or Tenements between different Parts of the same Tenement, or between different Tenements, in such Sums and Manner as the said Commissioners shall think fit; and in every such Case each Part of the same Tenement shall thereafter be subject to the Payment only of such annual Sum as shall be so apportioned in respect of each Part: Provided always, that the said Commissioners may apportion the aggregate Amount which shall be fixed and determined to be payable out of all the Conventiary Tenements in any one Manor rateably amongst the several Conventiary Tenements, in such Manner as they may consider most equitable and generally convenient.

Commissioners may apportion annual Sum for each Tenement or Manor among different Parts of the Tenement or different Tenements of the Manor.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners to make and annex any Schedule or Schedules to their said Award, and every such Schedule shall be taken and deemed for all Purposes to be Part of the said Award.

Commissioners may annex Schedules to their Award.

XXXVI. And be it enacted, That before making the Award aforesaid the said Commissioners shall make a Draft thereof, and of the Map or Maps to be annexed thereto, and may, if they think fit, cause the same to be printed or lithographed, and shall deposit a Copy of such Draft, at some convenient Place within every Manor to which the said Award shall relate, for the Inspection of all Persons interested therein; and shall forthwith give Notice, in such Manner as to the Commissioners shall seem fit, where the said Copy and Map may be inspected; and shall upon the Application of any Person interested in such Award furnish him with a Copy or Extract from the said Draft thereof, on Payment of a reasonable Price, to be fixed by the Commissioners for the same; and shall in such Notice as aforesaid 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 Draft Award by the Duke of Cornwall or any other Person interested therein, in respect of any Matter appearing therein which shall not have been heard and determined on such Examination of Claims as herein-before directed; and the Commissioners at such Meeting as aforesaid shall hear and determine any such Objections as may be then and there made to the said Draft Award, or adjourn the further Hearing thereof, if they shall think proper, to a future Meeting, and from Time to Time fix further Meetings for the hearing and determining of such 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 Commissioners shall have heard and determined all such Objections, they shall, if they shall see Occasion, amend such Draft Award accordingly.

Deposit of Award, and Meeting for hearing Objections.

Amendment of Award.

XXXVII. And be it enacted, That if the Duke of Cornwall, or any other Person interested in such Award, shall be desirous that any Claim or Matter which shall have been previously determined by the Commissioners on the Examination of Claims as aforesaid shall be reheard as an Objection to the Draft Award; and

Rehearing.

and of such his Desire shall give Notice in Writing to the Commissioners at or before or within Thirty Days after the Meeting held to hear such Objections to such Draft Award as aforesaid, the Commissioners shall forthwith give Notice, in such Manner as they shall think fit, appointing some convenient Place and Time for holding a Meeting to rehear such Claim, Matter, or Objection; and the Commissioners shall rehear and determine the said Claim, Matter, or Objection, 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, from Time to Time fix other Meetings for such Rehearing; and when the Commissioners shall have reheard and determined such Claim, Matter, or Objection they may, if they shall see Occasion, amend the Draft Award accordingly; and the Decision of the Commissioners upon such Rehearing shall be final and conclusive, and shall not be subject to be re-opened for any Cause whatever: Provided always, that no Person other than the Duke of Cornwall shall be entitled to a Rehearing of any Claim, Matter, or Objection, until he shall have procured some sufficient Person on his Behalf to join with him in giving Security, by Bond to the said Commissioners, in a sufficient Penalty, conditioned for the Payment of such Costs as the Commissioners shall think fit to award as the Costs of such Rehearing, to be paid to such Person as the Commissioners shall direct; and the Commissioners may award such Costs accordingly.

Parties requiring Rehearing to give Security for Costs.

Award to be signed after final Rehearing.

XXXVIII. And be it enacted, That when all such Objections (if any) as aforesaid to the said Draft Award shall have been heard and determined by the said Commissioners as aforesaid, and all such Amendments (if any) as the said Commissioners shall think fit shall have been made in the said Draft Award, the said Commissioners shall make and sign the said Award.

Award to be in Triplicate, and to be deposited in certain Offices, and Copies and Extracts thereof to be furnished.

XXXIX. And be it enacted, That the Award to be made in pursuance of this Act as aforesaid shall be signed in Triplicate by the said Commissioners, and within One Calendar Month from the Date thereof one Part thereof shall be lodged with the Keeper of the Records of the Duchy of Cornwall, another Part with the Clerk of the Peace for the County of Cornwall, and a Third Part among the Records of the Court of the Vice Warden of the Stannaries of Cornwall; and that the said Keeper of the Records, Clerk of the Peace, and the Registrar of the Court of the said Vice Warden shall furnish Copies or Extracts thereof at the Rate of Four-pence *per Folio* of Seventy-two Words, and a reasonable Remuneration for any Copy of or Extract from a Map, and shall for a Fee of Five Shillings permit the same to be examined and compared with the Originals at all seasonable Times; and the said Keeper of the Records, Clerk of the Peace, and the said Registrar shall also at all seasonable Times permit any Person interested therein to inspect the said Award, upon Payment of a Fee of Five Shillings for each such Inspection.

Award to be conclusive in all future Questions as to the Subject Matters thereof.

XL. And be it enacted, That after such Award shall have been made and executed by the said Commissioners the same shall for all Purposes be binding and conclusive as to the Subject Matters thereof on the Duke of Cornwall and all other Persons whomsoever; and if at any Time afterwards any Question or Dispute shall arise between the Duke of Cornwall and any other Person as to

whether any Lands or Tenements within the said Manors mentioned in the said First and Second Schedules hereunto annexed were, on the said First Day of *May* One thousand eight hundred and forty-four, or at any Time within One hundred Years before, held of the same Manors respectively as Conventiary Tenements, or for what previous Time within such Period the same were so held, or as to the Boundaries, Identity, or Situation thereof, or as to what waste or other Lands, Mines, Minerals, Stone, Substrata, or Hereditaments lying within the same Manors respectively belong to the Duke of *Cornwall*, or the Boundaries, Identity, or Situation thereof, or as to the Boundaries or Extent of any of the said Manors, or as to what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, or as to any annual Sum by the said Award directed to be payable, or the Lands, Tenements, or Hereditaments out of which the same shall be payable, or as to any other Matter or Thing which shall, in pursuance of the Directions of this Act, be distinguished, specified, or determined in or by such Award, or any Map thereto, then every such Question and Dispute shall (so far as possible) be decided exclusively and absolutely by such Award or Map; and a Copy thereof or of so much thereof as relates to the Subject in dispute, certified to be a true Copy under the Hand of any Officer in whose Custody any Part of such Award or Map shall be in pursuance of this Act as aforesaid, shall be admitted and received in all Actions, Suits, and Proceedings in any Court of Law or Equity, or before any Justice of the Peace or other Jurisdiction, as primary Evidence of so much of the said Award as the said Copy purports to certify.

XLII. And be it enacted, That when and so soon as the said Award shall have been made and executed by the said Commissioners all and singular the Tenements therein determined to be Conventiary Tenements of any of the Manors mentioned in the said First Schedule hereunto annexed, and of which in and by such Award it shall be determined that they would upon the said First Day of *May* One thousand eight hundred and forty-four have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Grants thereof have been duly renewed in ordinary Course as aforesaid, and the Boundaries, Identity, and Situation of which shall have been distinguished and determined by such Award, or by any Map or Maps thereto annexed, shall (but subject and without Prejudice to the Provisions herein-after contained with respect to the Mines and metallic Minerals under and of the same) become and be to all Intents and Purposes of Freehold Tenure, and be for ever thenceforth held of the Duke of *Cornwall* in Free and Common Socage as of the Manor of which the same Tenements respectively have been heretofore held as aforesaid, and the same several Tenements or the different Parts thereof shall be charged and chargeable with the Payment to the Duke of *Cornwall*, as Lord of the same Manors respectively, of all such Arrears of the said annual and other Rents, Fines, Acknowledgments, Heriots, Fees, Payments, or Services, and of such annual Sum or apportioned annual Sums as in the said Award shall

After the Execution of the Award all Conventiary Tenements held of the unsold Manors to become Freehold of the Manors of which they have been held, subject to the Payment of the annual Sums fixed by the Award.

shall be determined or directed to be payable thereout respectively ; and the Duke of *Cornwall* shall have and exercise all such Powers, Authorities, Rights, and Remedies for the Recovery and obtaining Payment of all such Sums for Arrears, and of every such annual Sum or apportioned annual Sum as aforesaid, as he might have and exercise if such annual Sum or apportioned annual Sum were a Rent reserved on a Demise or Lease made by the Duke of *Cornwall* of the Tenement or Part of a Tenement out of which the same annual Sum or apportioned annual Sum shall by the said Award be determined or directed to be payable.

The Act not to confirm Conventi-
onary Tenements first granted within Sixty Years.

XLII. Provided always nevertheless, and be it declared and enacted, That nothing in this Act contained shall give or confirm to any Person whomsoever, other than the Duke of *Cornwall*, any Estate, Right, Title, or Interest whatsoever in any Conventi-
onary Tenement which was first granted at an Assession Court of any of the said Manors mentioned in the said First Schedule hereunto annexed held within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four, but that from and after the passing of this Act all such Tenements shall become and be to all Intents and Purposes Part and Parcel of the Demesne Lands of the Manor within which the same are situate.

Special Grants may be made by the Duke of Cornwall in Compensation for Lands first granted within Sixty Years.

XLIII. Provided always, and be it enacted, That if it shall appear to the Duke of *Cornwall* that the Circumstances under which any Estate, Right, Title, or Interest in any Conventi-
onary Tenement which may have been first granted at an Assession Court held within Sixty Years from the said First Day of *May* One thousand eight hundred and forty-four are such as would reasonably and fairly entitle the Person in possession by virtue of such Grant to Compensation for the Loss of his beneficial Interest in respect thereof, then and in every such Case it shall be lawful for the said Duke of *Cornwall* to grant or demise such Conventi-
onary Tenement to such Person for such Term, Estate, or Interest, and subject to such Rent, Reservations, Conditions, and Agreements, as to the said Duke of *Cornwall* shall seem to be just and reasonable, in reference to such Circumstances as aforesaid ; but so nevertheless that all Tenements so granted or demised shall continue to be Part and Parcel of the Demesne Lands of the Manor within which the same are situate, and shall be held of the same Manor accordingly.

The Act not to confirm Profits à prendre let in Convention.

XLIV. Provided also, and be it enacted, That nothing in this Act contained shall give or confirm to any Person whomsoever other than the Duke of *Cornwall* any Estate, Right, Title, or Interest whatsoever in any Herbage or Pasture or Common of any Description, or in any Right of Herbage or Pasture or Common of any Description, or in any other Profit or Benefit to be taken and enjoyed from or upon any of the Lands or Possessions of the Duchy of *Cornwall*, and which Herbage, Pasture, or Common Right, Profit or Benefit, has at any Time heretofore been let in Convention or granted by Assession, to be held in gross, and not as appendant or appurtenant to any specific Tenement or Tenements ; and that from and after the passing of this Act all Lands in or upon which any such Herbage, Pasture, or Common, or Right of Herbage, Pasture, or Common, or any such other Profit or Benefit

Benefit as aforesaid, shall have been let or enjoyed, shall be absolutely and altogether freed and discharged therefrom.

XLV. Provided always nevertheless, and be it enacted, That it shall be lawful for the said Commissioners, if they shall see fit so to do, to award to such of the same Conventiounary Tenants as shall satisfactorily prove that they have held and enjoyed, or been entitled to hold and enjoy, any Common of Pasture or Common of Turbary heretofore let in Convention or granted by Assession as aforesaid, such Portion or Portions of the Common Lands in or upon which the same shall have been let or enjoyed as the said Commissioners shall think fit; and the Lands so awarded shall thenceforth be held, go, and devolve as if they had been theretofore Conventiounary Tenements, subject to the Estates and Interest to which such Common of Pasture was subject, and shall be free and discharged from all Rights of Common of all Persons whomsoever over or upon the same, but shall be subject to all the Provisions of this Act in respect of Conventiounary Tenements, and the Mines and metallic Minerals in, upon, and under the same, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if the said Lands to be so awarded had been Conventiounary Tenements respectively at the passing of this Act.

XLVI. And be it enacted, That from and immediately after the said Award shall have been made and executed by the said Commissioners as aforesaid every Conventiounary Tenement which shall thereupon become holden in Free and Common Socage as aforesaid shall (except nevertheless and charged as herein-before is mentioned) stand limited and settled to such Uses, upon such Trusts, and with, under, and subject to such Powers, Provisoos, and Agreements, as shall and may most nearly correspond with the Estates and Interests, Uses, Trusts, Powers, Provisoos, and Agreements which, before the making and Execution of such Award, were, according to the Custom of the Manor and ordinary Course of Dealing, subsisting, or capable of taking effect in such Conventiounary Tenement; but so nevertheless that (subject and without Prejudice to such Estates, Interests, Uses, Powers, Provisoos, and Agreements as shall be then subsisting, or capable of taking effect as aforesaid,) every such Tenement, and every Estate and Interest therein, shall, at all Times after the making and Execution of the said Award, descend, devolve, be conveyed and assured according to, and be in every respect subject to, the Laws according and to which other Tenements holden in Free and Common Socage descend, devolve, are conveyed and assured, and subject; and every such Freehold Tenement, and every Estate and Interest therein, shall be subject and liable to all Claims and Demands (if any) to which the Conventiounary Tenement out of which the same was converted was subject or liable immediately before such Conversion, other than Claims and Demands by the Duke of Cornwall as Lord of the Manor of which the same is held.

XLVII. And be it enacted, That at any Time or Times after the said Award shall have been made and executed by the said Commissioners it shall be lawful for the Duke of Cornwall, and his Lessees, and all other Persons claiming under him, to enter upon all Lands, Mines, Minerals, Stone, Substrata, Tenements, and Hereditaments which shall in and by such Award be determined

Power for the Commissioners to award Lands in Compensation of Common of Pasture or Turbary.

The Freehold Tenements to be subject to the same Estates as the Conventiounary Tenements.

After the Award, Prestures and Encroachments may be abated.

to belong to the Duke of *Cornwall*, and to abate every Purpresture and Encroachment which shall have been made or shall be made thereon, and to hold the Lands, Mines, Minerals, Stone, Substrata, and Hereditaments upon which such Purpresture or Encroachment shall have been made, freed from the Claims of all Persons whomsoever; and every Person in possession of any such Land, Mines, Minerals, Stone, Substrata, Tenements, or Hereditaments may be evicted therefrom by such and the same Process as if the Duke of *Cornwall* had recovered the same by a Judgment upon an Information of Intrusion brought in due Course of Law in Her Majesty's Court of Exchequer.

Award may be appealed against by any Person to Her Majesty in Council;

XLVIII. And be it enacted, That if within Twelve Calendar Months from the making and Execution of the said Award by the said Commissioners any Person shall think himself aggrieved by such Award, it shall be lawful for him to prefer any Petition of Appeal to Her Majesty in Council against any such Award, or any Part thereof, as to any Matters of Law, or Matters apparent on the Face of the Award; and it shall be lawful for Her Majesty in Council, or for any Committee of Privy Council as Her Majesty shall direct, to hear such Appeal; and Notice thereof shall be served by the Party making such Appeal upon the Duke of *Cornwall*, by leaving the same at the Office of the Duchy of *Cornwall* One Calendar Month before the hearing of such Appeal; and the Duke of *Cornwall* shall thereupon, if he think fit, undertake the Defence of such Award; and upon hearing any such Appeal it shall be lawful for Her Majesty in Council to confirm, alter, or vary the Whole or any Part of such Award in such Manner as to Her Majesty may seem meet; and the Costs attending any such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council.

and may be appealed against by the Duke of Cornwall.

XLIX. And be it enacted, That it shall be lawful for the Duke of *Cornwall*, if it shall seem to him fit so to do, within the Time herein-before limited, in like Manner to present a similar Petition of Appeal against such Award or any Part thereof; and thereupon it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of such Award in such Manner as to Her Majesty may seem meet; and on any such Petition being presented as last aforesaid Notice thereof for at least One Calendar Month before the same shall be heard shall be published in One or more of the public Journals circulated in the said County of *Cornwall*; and it shall be lawful for any Person interested in the Premises to appear and defend the said Award; and the Costs attending such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council.

After Appeal, the Award may be altered.

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

LI. And

LL. And be it enacted, That it shall be lawful for the said Commissioners, according as they shall see fit, to make their said Award, either as one entire Award, and in respect of all the Matters aforesaid, or from Time to Time or at any Time to make separate Awards, either as to separate Matters, or as to the Tenements and Matters lying within and connected with different Manors; and every such separate Award (if any) shall take effect from the Time of its being made and executed; and all the Provisions of this Act shall apply, so far as the same respectively shall be applicable, to every such separate Award and the Subject Matters thereof, as fully and in every respect as the same are hereby made to apply to one general Award herein-before mentioned and referred to, and the Subject Matters thereof.

Commissioners may make several Awards.

LII. And be it enacted, That when the said Award shall have been made and executed as aforesaid, and the said Commissioners shall have ascertained the Amount of all Expences to be incurred by virtue of this Act, they shall make a final and general Apportionment of such Expences amongst all the Parties liable to pay the same, in the Manner herein-before mentioned; and the Draft of such final Apportionment shall be deposited in the same Places and Manner, and be subject to the same Provisions respecting Objections thereto, and a Rehearing of Parties in respect thereof, as is herein-before provided as to the said Award.

Final Apportionment of Expences to be made and deposited in the same Manner as the Award

LIII. And be it declared and enacted, That all Mines and metallic Minerals in and under all and singular the Tenements now or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four held as Conventional Tenements of the said Manors mentioned in the said First Schedule hereunto annexed respectively, and all Mines, Minerals, Stone, Substrata, and all other Profits whatsoever in, upon, under, and of all Waste and other Demeane Lands of the same Manors respectively, and all Mines, Minerals, Stone, and Substrata in, upon, under, and of all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines, Minerals, Stones, or Substrata shall by such Award be determined to belong to the Duke of *Cornwall*, do and shall belong absolutely to the Duke of *Cornwall* as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of *Cornwall* as aforesaid, but without Prejudice to the Estate or Rights (if any) of any of the present Lessees of the Duke of *Cornwall* therein.

All Mines and metallic Minerals under Conventional Lands, and all Mines, &c. under and of other Lands in the unsold Manors, to belong to the Duke of Cornwall.

LIV. And be it declared and enacted, That all Mines and metallic Minerals in, upon, under, and of all and singular the Tenements now, or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four, held as Conventional Tenements of any of the said Manors mentioned in the said Second Schedule hereunto annexed respectively, and all Mines and metallic Minerals whatsoever in, upon, under, and of all Lands lying within the same Manors respectively, and which at the Times of the aforesaid Sales of such Manors respectively were Waste or Demeane Lands thereof respectively, and all Mines and metallic Minerals in, upon, and under all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines and metallic

Similar Provision as to the Mines and metallic Minerals within the sold Manors.

Minerals shall by such Award be determined to belong to the Duke of *Cornwall*, do and shall belong absolutely to the Duke of *Cornwall* as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of *Cornwall* as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of *Cornwall* therein.

Right of the Duke of Cornwall and his Lessees to enter and work Mines, Minerals, Stone, and Substrata, making Compensation for Damage to the Surface, and for Use of Stone and Water.

LV. And be it declared and enacted, That it shall be lawful for the Duke of *Cornwall*, his Agents and Workmen, and his Lessees and their Agents and Workmen, and all Persons whom the Duke of *Cornwall* shall in that Behalf authorize, and their Agents and Workmen, to enter into and upon all Lands or Tenements of any Tenure situate or being within or held of any of the said Manors mentioned in the said First and Second Schedules hereunto annexed, all or any the Mines, Minerals, Stone, or Substrata in, upon, under, or of which do or shall belong to the Duke of *Cornwall* as herein-before is declared and provided, and to search, dig for, open, and work the same Mines, and get, carry away, and dispose of the same Minerals, Stone, or Substrata, and to erect all such Buildings, Steam and other Engines, and Machinery and Things, and sink and make all such Pits, Shafts, Levels, Adits, Air-holes, Tram and other Roads, and other Works, and to take from the said Lands and Tenements sufficient Stone, Lime, and Slate for such Buildings and other Works, and take and use and divert all such Water, and take and use all such Room for Orr and Rubbish and other Things, and do all such other Acts and Things upon, under, in, and about the aforesaid Lands and Tenements, as shall be necessary or convenient for working the same Mines, and getting, washing, dressing, rendering merchantable, carrying away, and disposing of the same Minerals, Stone, or Substrata, he the said Duke of *Cornwall*, or his Lessees, or the Persons authorized by him as aforesaid (as the Case may be), making to the Persons entitled to the Surface of such Lands or Tenements, or to such Water, adequate Compensation for the Damage which shall have been done or occasioned by the Exercise of the Rights, Privileges, and Easements aforesaid, and making to the Persons entitled to the same adequate Compensation for the Materials so taken as aforesaid: Provided nevertheless, that no Person shall be entitled to claim any Compensation for Damage to be done by the Exercise of any of the Rights, Privileges, or Easements aforesaid, unless such Claim be made in Writing before the Expiration of Six Calendar Months after such Damage shall have been done, or where the Entry or other Act by which such Damage shall be done shall be of a continuing Nature, then before the Expiration of Six Calendar Months from the Time when such Entry or other Act shall determine or cease: Provided also, that a Notice in Writing, claiming Compensation as aforesaid, given by or on behalf of the Person entitled to receive the same, to the Duke of *Cornwall*, or other Person by whom such Damage shall be done, or to any Agent or Workman who shall be employed by the Duke of *Cornwall*, or such other Person, in the Entry or other Act by which such Damage shall be done, shall be a sufficient Claim for the Purposes of this Act.

Compensation in case of Dispute to be

LVI. And be it enacted, That if any Dispute shall arise between the Duke of *Cornwall* or his Lessees, or any Persons authorized

by

by him to enter upon any Lands or Tenements as aforesaid, and any Person claiming Compensation for Damage done to such Lands or Tenements, or to such Water as aforesaid, by the Exercise of any of the Rights, Privileges, or Easements aforesaid, or claiming Compensation for Materials so taken as aforesaid, either touching the Matters in respect of which Compensation ought to be made in pursuance of this Act, or the Amount of such Compensation, such Dispute shall be decided either by Two Justices of the Peace for the County of Cornwall, or (at the Option of the Person from whom such Compensation is claimed) by the Vice Warden of the Stannaries of Cornwall, upon the Petition of any or either of the Parties so disputing or otherwise; and it shall be lawful for the said Justices or Vice Warden, at the Expence of the Parties disputing, or any or either one of them, in their or his Discretion, to require the Aid, and take the Opinion or Advice of any Surveyor, Mining Agent, or other Person, and to adopt such other Measures, and give such Directions, as shall appear to the said Justices or Vice Warden expedient for enabling them or him to determine concerning the Matters in dispute as aforesaid: Provided always nevertheless, that no Application, except by Consent, shall be made to the said Justices or to the said Vice Warden to award Compensation for Damage done upon any Entry, under the Authority of this Act, for the Purpose of searching for or working Mines and Minerals, until the End of Twelve Calendar Months next after such Entry, unless such Search or Working shall have been sooner abandoned or discontinued, or unless the Persons entitled to such Compensation shall prove, to the Satisfaction of the said Justices or of the said Vice Warden, that the Amount of Compensation for Damage theretofore done is larger than the Sum or Sums of Money theretofore deposited or secured as a Security for such Compensation as herein-after provided.

LVII. And be it enacted, That for the Purposes of this Act the Person entitled to claim and receive and agree upon the Amount of all Compensation for Damage done to such Lands or Tenements or Water as aforesaid shall be the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands or Tenements or Water in or to which such Damage shall be done; and all such Compensation shall be received and held by such Person for the Benefit of himself and of the other Person (if any) having any Estates or Interests in the said Lands or Tenements or Water, according to their respective Estates and Interests therein; and the Receipt of such Person shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Title of the Person receiving the same, or to the Application thereof: Provided always nevertheless, that where the Lands or Tenements or Water to which Damage shall be done as aforesaid shall be in the Possession of any Lessee or Occupier at Rack Rent, or of any Lessee or Occupier not having a greater Estate or Interest therein than a Term of Twenty-one Years, such Lessee or Occupier shall not be deemed to be the Person in possession of such Lands or Tenements or Water, for the Purpose of receiving all Compensation as aforesaid, but shall be entitled to claim and receive Compensation for the Damage done to his

settled by Two Justices or by the Vice Warden, at the Option of the Party liable.

Justices or Vice Warden to take the Assistance of Surveyor, &c.

No Compensation to become payable for 12 Calendar Months after Entry, except under certain Circumstances.

Compensation to be paid to the Person in possession or receipt of the Rents and Profits;

Interest in such Lands or Tenements or Water, separately from the Compensation to be paid as herein-before is provided to the Person for the Time being in the Receipt of the Rents and Profits of the same Lands and Tenements or Water; and the Person who shall be in receipt of such Rack Rent or the other Rent payable by such Lessee or Occupier, or (if there be no Rent, then) the Person entitled to such Lands and Tenements in reversion or remainder immediately expectant on the Determination of the Term or Interest of such Lessee or Occupier, shall be deemed the Person for the Time being in possession or in receipt of the Rents and Profits for the Purposes of this Act.

for the Benefit of himself and others (if any) interested.

LVIII. Provided always nevertheless, and be it enacted, That every Person receiving any such Compensation as aforesaid, who may not be entitled to an absolute and unqualified Estate of Inheritance in Fee Simple or Fee Tail, or be enabled to appoint or dispose of an absolute or unqualified Estate of Inheritance in Fee Simple in the Lands or Tenements or Water in respect of which such Compensation may have become payable shall, as between himself and the other Persons having Estates or Interests in the same Lands or Tenements or Water, have and be entitled only to such Estate or Interest in the same Compensation as will correspond with his Estate or Interest in the same Lands or Tenements or Water; and the Rights, Estates, and Interests of all or any of the Persons interested in such Compensation shall and may be established at the Suit of all or any of such Persons in the Court of the Vice Warden of the Stannaries of *Cornwall*, or in any other Court of Equity: Provided always nevertheless, that if in any Case the Amount of such Compensation shall not exceed in the whole the Sum of Twenty Pounds, the same shall be retained wholly for his own Benefit by the Person entitled to receive the same aforesaid, although he may have only a limited or qualified Estate or Interest in the Lands or Tenements or Water in respect of which such Compensation may have become payable; but no Person having such limited or qualified Interest shall, under any Circumstances, be entitled so to retain any Compensation, if the Sums paid for such Compensation shall exceed in the whole the Sum of Twenty Pounds.

Where Person in possession, &c. is under Disability or unknown, Compensation to be paid into the Court of the Vice Warden of the Stannaries.

LIX. Provided always nevertheless, and be it enacted, That when the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands and Tenements or Water to which Damage shall be done as aforesaid shall be a married Woman, or an Infant, or a Lunatic or Idiot, or shall be under any other Disability, or shall be unknown or uncertain, or where Notice shall be given in Writing by or on behalf of any Person claiming any Estate or Interest in such Lands or Tenements or Water to the Person liable to pay any Money for Compensation for Damages done to such Lands or Tenements or Water, requiring that such Money be not paid to the Person in possession or in the receipt of the Rents and Profits of the same Lands or Tenements or Water, then and in any of such Cases, or in any other Case in which the same shall seem expedient, it shall be lawful for the Person liable to pay such Compensation to pay the same into the Hands of the Registrar of the Court of the Vice Warden of the Stannaries, for the Benefit of the Persons interested therein, accord-

ing to their several Estates and Interests, as the said Vice Warden shall direct; and the Receipt of the said Registrar shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Application thereof; and the Rights, Estates, and Interests of all or any the Persons interested in such Compensation shall be determined by the said Vice Warden upon the Application of such Persons, or any of them, by Petition or otherwise.

LX. And be it enacted, That before the Duke of *Cornwall*, or any Lessee of the Duke of *Cornwall*, or any other Person, shall, under the Authority of this Act, enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, he shall give One Calendar Month's previous Notice in Writing of such intended Entry to the Occupier of the Surface of such Lands or Tenements, or (if such Occupier, or the Place of Abode of such Occupier, be unknown or uncertain) affix such Notice in or upon some conspicuous Part of such Lands or Tenements; and such Notice shall specify and describe the Lands and Tenements upon which such Entry is intended to be made, and shall state the Name and Place of Abode of the Lessee or other Person by whom or on whose Behalf such Entry is intended to be made.

Notice to be given before Entry to search or work Mines except in Waste Lands;

LXI. And be it enacted, That every Lessee or other Person (other than the Duke of *Cornwall*) who shall intend, under the Authority of this Act, to enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, shall before making such Entry, if required so to do by any Person interested in the Surface of such Lands or Tenements, deposit the Sum of Twenty Pounds, or any larger Sum which the Lessee or Person so entering shall think fit, with the Registrar of the Court of the Vice Warden of the Stannaries of *Cornwall*, or give to such Registrar a joint and several Bond, under the Hands and Seals of such Lessee or other Person, and of One or Two sufficient Sureties, (such Surety or Sureties, in case of Dispute, to be approved of by the said Registrar, or by any Two Justices of the Peace for the County of *Cornwall*.) conditioned for securing the Payment to such Registrar, or to the Registrar for the Time being of the said County, on Demand by him, of the Sum of Twenty Pounds, or any larger Sum which the said Lessee or other Person making such Entry shall think fit; and the Sum so to be deposited or secured by such Bond, as the Case may be, shall be held by the said Registrar as a Security for the Payment of the Compensation to become payable for the Damage to be caused by such Entry as aforesaid, and of the Costs to be incurred in any Proceeding for determining the Amount of such Compensation, or otherwise in relation thereto; and such Deposit, or the Money to be recovered upon such Bond, shall be paid and applied by such Registrar accordingly, either upon satisfactory Proof being made to him of the same having become payable, and of the Person entitled under the Provisions of this Act to receive the same, or any Part thereof, or according to the Direction of the said Vice Warden; and if in the Prosecution of such Search the Amount of Damage (to be decided as herein-before is provided), and of such Costs, if any, shall be equal to or exceed

and Security for Damage.

the Sum so deposited or secured as aforesaid, then and in such Case, and so often as the same shall happen, it shall be lawful for the said Vice Warden and he is hereby required, upon the Application of any Person interested in such Lands or Tenements, to issue his Injunction to stop the further Prosecution of such Search until the Amount of such previous Damage, and such Costs (if any), shall have been paid by the Person liable to pay the same, or until a further Deposit of not less than Twenty Pounds, or a further Bond for not less than Twenty Pounds, and with One or Two Sureties to be approved of as aforesaid, shall have been made with or given to the said Registrar as a Security for the Payment of the Compensation to become payable for the further Damage to be caused by such Search as aforesaid, and to be paid and applied by such Registrar as herein-before is provided.

After Determination of Entry, and in other Events, Security to be given up.

LXII. And be it enacted, That upon the Determination of the Possession upon such Entry as aforesaid, and after Compensation shall have been made for all Damage done, or during the Continuance of such Possession, if Compensation shall have been made for all Damage theretofore done, and the Mines shall either be in due and regular Course of working, or shall have ceased to be worked, any Monies which may remain in the Hands of the said Registrar out of the Deposit or Deposits which may have been made with him as aforesaid, or out of any Monies which may be recovered upon any such Bond as aforesaid, shall be repaid by him to the Person by whom the same shall have been deposited or paid, or his lawful Representatives; and any Bond which may have been given to the said Registrar as a Security as aforesaid, and which shall remain in force, shall be given up by him to the Obligors, or any of the Obligors thereof, to be cancelled; and if any Difference shall arise between the Parties whether the Possession upon any such Entry as aforesaid has determined, or whether Compensation has been made for all Damage done, or whether any Mines shall be in due and regular Course of working or shall have ceased to be worked, the same shall be determined by the Vice Warden of the Stannaries of *Cornwall*, upon the Application of any of the Parties by Petition or otherwise.

Provision in case of the Change of the Registrar of the Court of the Vice Warden.

LXIII. And be it enacted, That when any Registrar shall resign or be removed from his Office, or die, he, his Executors or Administrators, shall pay over all Monies, if any, which shall for the Time being be in their or his Hands on account of such Deposits or Bonds as aforesaid to the succeeding Registrar; and all Bonds which shall be given to any Registrar in obedience to the Provision herein-before contained may be sued upon by the Registrar for the Time being in his own Name, as if the same had been given to him; and the Registrar for the Time being shall hold all such Monies and Bonds for the Intents and Purposes herein-before mentioned.

Vice Warden to make Orders as to Monies for the Time being in the Hands of the Registrar.

LXIV. And be it enacted, That the Vice Warden of the Stannaries of *Cornwall*, with the Approbation of the Lord Chancellor or Keeper of the Great Seal of *England* for the Time being, shall from Time to Time make and give such Orders and Directions for the Custody, Investment, Payment, and Application of the Monies which shall come to the Hands of the Registrar of the said Court, under any of the Provisions of this Act or otherwise.

or which now are in the Hands of the said Registrar, as to the said Vice Warden, with such Approbation as aforesaid, shall seem meet; and that the Costs of all Applications, Suits, or Proceedings under or by virtue of this Act shall be in the Discretion of the said Vice Warden, and shall, if he shall so think fit, be taxed by the Registrar of his said Court, and shall be paid by such Person or out of such Fund, and to such Person and in such Manner, as the said Vice Warden shall direct.

LXV. And be it enacted, That every Person who shall become entitled, either by Agreement or voluntary Arbitration, or by the Decision of the said Justices or Vice Warden, as is herein-before provided, to any Compensation for Damage done to the Surface of any Lands or Tenements or Water, under the Authority of this Act, or to any Costs as aforesaid, and who shall not receive the same from the Registrar aforesaid, out of the Monies herein-before directed to be deposited or secured for that Purpose, or otherwise, may recover such Compensation or Costs from the Person liable to pay the same by Action in any of Her Majesty's Courts at *Westminster*, or in the Court of the Vice Warden of the Stannaries of *Cornwall*; and every Person who shall so become entitled to any Compensation or Costs as aforesaid shall also, in respect thereof, be deemed to be a Mining Creditor, in respect of the Mines in the searching for or working whereof such Damage shall have been done, and shall have the same Rights of Lien or Hypothecation upon the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the same Remedies, upon Petition or otherwise, by Injunction, Sale, and otherwise, in the Court of the Vice Warden of the Stannaries of *Cornwall*, upon and in respect of the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the Ores gotten therefrom, as any other Mining Creditor has or may have: Provided nevertheless, that no Person shall be entitled to bring any Action or Suit, or take any Proceeding for the Recovery of or obtaining any Compensation for Damage to be done under the Authority of this Act, or for any Costs other than such Compensation or Costs as shall be agreed upon between the Parties or shall be ordered by the said Vice Warden.

LXVI. And be it enacted, That any Compensation to become payable under this Act, whether by Agreement or otherwise, may, by the Agreement of the Parties, or at the Discretion of the said Justices or Vice Warden respectively, be made by the Payment of an annual or other periodical Sum, to continue payable during the Continuance of the Possession under such Entry as aforesaid, or for any less Period, and to be determinable either upon the Restoration of the Land entered upon to a State fit for Cultivation, or at any earlier Period, and may be made to cover and include as well past as continuing Damage.

LXVII. And be it enacted and declared, That the Duke of *Cornwall* shall not be liable to the Payment of Compensation for Damage to be done by any Lessee or other Person in or about any such searching or working for Mines or Minerals under the Authority of this Act as aforesaid.

LXVIII. Provided always nevertheless, and be it enacted, That the Provisions herein-before contained with respect to the Duke of

Remedies for the Recovery of Compensation by Action and otherwise.

Compensation may be made by a periodical Sum, and for continuing Damage.

The Duke not liable for Damage done by his Lessees, &c.

No Compensation to be made for Damage to

Waste or
Demesne Land.

of *Cornwall* and his Lessees, and other Persons authorized by him, making Compensation for the Damage done to the Surface of Lands and Tenements, shall not apply to any Lands or Tenements which by the said Award shall be determined to be Waste or Demesne Lands of the Manors mentioned in the said First Schedule hereunto annexed respectively, or to any Lands or Tenements which at the respective Dates of the Conveyances of the Manors mentioned in the said Second Schedule hereunto annexed were Waste or Demesne Lands of the same Manors respectively.

Right of the
Duke of Corn-
wall and his
Lessees to re-
move Buildings
and Works, or
to allow the
same to remain.

LXIX. And be it enacted, That (subject and without Prejudice to the Liens, Rights, and Remedies herein-before given to the Persons who may become entitled to Compensation for Damage as aforesaid) it shall be lawful for the Duke of *Cornwall* and his Lessees, and other the Persons authorized by him as aforesaid, and his and their Agents and Workmen, either to pull down, remove, and take away or fill up all Buildings, Steam and other Engines, Machinery, and Things, Pits, Mines, Dams, Sluices, and Works which may be erected or fixed or opened or worked upon any Lands and Tenements in pursuance of the Provisions herein-before contained, and which shall be no longer used for the Purposes aforesaid, or to allow the same to remain for any Time, which the Duke of *Cornwall* or his Lessees, or other the Persons authorized by him, shall think fit, after the same shall have ceased to be used for the Purposes aforesaid; and no Buildings, Mines, Pits, Works, or other Things shall, by Non-user or otherwise, be deemed to be abandoned, so as to vest any Right or Title therein in the Owner of the Land, or to give any fresh Right of Compensation, on the same being resumed or again entered upon and used.

No Damage to
be done to any
House, Build-
ing, Park, Gar-
den, or Pleasure
Ground.

LXX. Provided also, and be it enacted, That nothing in this Act contained shall authorize or empower the Duke of *Cornwall*, or any Lessee or other Person claiming under him, to erect any Building, or Steam or other Engine, Machinery, or Thing, or sink or make any Pit, Shaft, Air-hole, Tram or other Road, or lay any Ore, Rubbish, or other Thing, or to enter into or upon the Surface of any Land which the said Commissioners by their Award shall certify to have been on the First Day of *May* One thousand eight hundred and forty-four appropriated as a Garden, Park, or Pleasure Ground, or as a Dwelling House, or a Yard or Curtilage to any Dwelling House (and which they are hereby authorized and required in and by such Award to certify accordingly), and which shall afterwards continue to be so appropriated, or is or upon any Land which may at any Time hereafter at the Time of Entry be actually and *bonâ fide* appropriated and used as a Dwelling House, or as a Yard, Curtilage, or Garden attached to a Dwelling House, so long as the same shall continue to be so appropriated and used, and so as no such Yard, Curtilage, or Garden shall extend more than Fifty Feet from such Dwelling House.

The Claims of
the Duke of
Cornwall gene-
rally to be barred
by the Lapse of
Sixty Years.

LXXI. And be it enacted, That the Duke of *Cornwall* shall not at any Time hereafter sue, impeach, question, or implead any Person for or in anywise concerning any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments whatsoever situate, issuing, or arising in the County of *Cornwall* (other than Liberties or Franchises, and other than Mines, Minerals, Stone, or Substrata), or for or in anywise concerning the Revenues, Issues, and Profits thereof.

thereof, or make any Title, Claim, Challenge, or Demand of, on, or to the same or any of them (except as aforesaid), by reason of any Right or Title which hath not first accrued or grown, or which shall not have first accrued or grown, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless the Duke of *Cornwall*, or some other Person under whom the Duke of *Cornwall* any thing hath or lawfully claimeth, or shall hereafter have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, by force of any Right or Title, hath or shall have been answered by force and virtue of any such Right or Title to the same, the Rents, Revenues, Issues, or Profits thereof, within the said Space of Sixty Years, or that the same have or shall have been duly in charge to the Duke of *Cornwall*, or have or shall have stood insuper of Record within the said Space of Sixty Years; and that all Persons, for and according to their and every of their several Estates and Interests which they have or claim to have, or shall or may have or claim to have in the same respectively, shall at all Times hereafter quietly and freely have, hold, and enjoy, against the Duke of *Cornwall* claiming any Title which hath not first accrued or grown within the said Space of Sixty Years, all and singular Manors, Lands, Tenements, Rents, Tithes, and Hereditaments whatsoever situate, issuing, or arising in the County of *Cornwall* (except as aforesaid), which they, or their or any of their Ancestors or Predecessors, or those from whom, by or under whom, they do or shall claim, have or shall have held or enjoyed or taken the Rents, Revenues, Issues, or Profits thereof, by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless the Duke of *Cornwall*, or some other Person under whom the Duke of *Cornwall* any thing hath or lawfully claimeth, or shall have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, by force of any Right or Title, hath been or shall have been answered by virtue of any such Right or Title, the Rents, Revenues, Issues, or Profits thereof, within the said Space of Sixty Years, or that the same have or shall have been duly in charge, or stood insuper of Record as aforesaid, within the said Space of Sixty Years.

LXXII. Provided always, and be it enacted, That the Duke of *Cornwall*, or any Person under whom the Duke of *Cornwall* hath or lawfully claimeth, or shall hereafter have or lawfully claim as aforesaid, shall not be deemed, for the Purposes of this Act, to have been answered by force or virtue of any such Right or Title, the Rents, Revenues, Issues, or Profits of any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments which shall have been held or enjoyed, or of which the Rents, Revenues, Issues, or Profits shall have been taken, by any other Person by the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Suit, Bill, Plaint, Information, Commission, or other

The Claims of the Duke not to be kept alive by putting a Manor in charge, of which the Land shall be Part.

Suit or Proceeding for recovering the same, or in respect thereof, by reason of the same having been Part or Parcel of any Honour or Manor or other Hereditament of which the Rents, Revenues, Issues, or Profits shall have been answered to the Duke of *Cornwall*, or any other Person under whom the Duke of *Cornwall* bath or lawfully claimeth, or shall hereafter have or lawfully claim as aforesaid, or which Honour or Manor or other Hereditament shall have been duly in charge to the Duke of *Cornwall*, or to or with any Officer of the Duchy of *Cornwall*, or stood insuper of Record as aforesaid.

Claims of the Duke of Cornwall to Mines to be barred by the Possession of the Land and exclusively working the Mines for Sixty Years.

LXXIII. And be it enacted, That the Duke of *Cornwall* shall not sue, impeach, question, or implead any Person for or in anywise concerning any Mines, Minerals, Stone, or Substrata in, upon, under, or of any Lands, Manors, Tenements, or Hereditaments whatsoever situate in the County of *Cornwall*, where such Lands, Manors, Tenements, or Hereditaments shall have been held or enjoyed by such Person, or any Person by, through, or under whom he claims, or any Person whomsoever other than the Duke of *Cornwall*, or any Person claiming under him, for a Period of Sixty Years or more before the filing, issuing, or commencing any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding in respect of such Mines, Minerals, Stone, or Substrata, without Interruption or Disturbance by the Duke of *Cornwall*, or any Person claiming under him, and where such Mines, Minerals, Stone, or Substrata have been substantially worked and gotten at any Time during the said Period by the Person who has so held and enjoyed the said Lands, Manors, Tenements, or Hereditaments, and such Mines, Minerals, Stone, or Substrata have not been at any Time during the said Period of Sixty Years worked and gotten, or the Tolls, Dues, Royalties, and other Profits thereof received or enjoyed, by the Duke of *Cornwall* or some Person claiming under Him.

Or by the Possession of the Land for One hundred Years.

LXXIV. And be it enacted, That the Duke of *Cornwall* shall not sue, impeach, question, or implead any Person for or in anywise concerning any Mines, Minerals, Stone, or Substrata in, upon, under, or of any Lands, Manors, Tenements, or Hereditaments whatsoever situate in the County of *Cornwall*, where such Lands, Manors, Tenements, or Hereditaments shall have been held or enjoyed by such Person, or any Person by, through, or under whom he claims, or any Person whomsoever other than the Duke of *Cornwall*, or any Person claiming under him, for a Period of One hundred Years before the filing, issuing, or commencing any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding in respect of such Mines, Minerals, Stones, or Substrata, without Interruption or Disturbance by the Duke of *Cornwall*, or any Person claiming under him, and where such Mines, Minerals, Stones, or Substrata shall not have been at any Time during the said Period of One hundred Years worked and gotten, or the Tolls, Dues, Royalties, or other Profits thereof received or enjoyed, by the Duke of *Cornwall* or some Person claiming under Him.

Rents, &c. in charge with the proper Officer

LXXV. Provided always, and be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tithes, or Hereditaments are or shall be duly in charge by,

to, or with any proper Officer of the Duchy of *Cornwall*, such Rents, Revenues, Issues, and Profits shall be held, deemed, and taken to be duly in charge within the Meaning and Intent of this Act, any Usage or Custom to the contrary notwithstanding.

LXXVI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend to bar, impeach, or hinder the Duke of *Cornwall* of, for, or from any Manors, Tenements, Rents, Tithes, or Hereditaments whereof any Reversion or Remainder now is in His Royal Highness *Albert Edward* now Duke of *Cornwall*, for or concerning the said Reversion or Remainder, nor of, for, or from any Reversion or Remainder, or Possibility of Reversion or Remainder, in any of His said Royal Highness's Progenitors, Predecessors, or Ancestors for the Time being entitled to the Revenues of the said Duchy, which by the Expiration, End, or other Determination of any limited Estate has or ought to have fallen or become in possession, or which shall or may or ought hereafter first to fall or come in possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, nor of, for, or from any Right or Title first accrued or grown to the Duke of *Cornwall*, or which shall first accrue or grow to the Duke of *Cornwall*, of, in, or to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments at any Time or Times within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, and not before.

LXXVII. Provided also, and be it enacted, That this Act, or any thing herein contained, shall not extend to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments mentioned to be granted or conveyed by the Duke of *Cornwall*, or by any other under whom the Duke of *Cornwall* claimeth, to any Person or Persons for any limited Estate in Fee Simple or any Estate in Tail or other particular Estate, which several Estates (if the same had been good and effectual in Law) have or ought to have first fallen or become in possession, or will or ought first to fall or come in possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof as aforesaid, nor to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments mentioned to be granted or conveyed by any of the Predecessors, Progenitors, or Ancestors of His said Royal Highness *Albert Edward* Duke of *Cornwall* for the Time being entitled to the Revenues of the said Duchy of *Cornwall*, or by any other under whom His said Royal Highness claimeth, to any Person or Persons in Fee Tail or other particular Estate, whereof the Reversion or Inheritance (if such Estate Tail or other particular Estate had been good and effectual in Law) should have been and continued in His said Royal Highness, or should or ought hereafter to be

to be deemed in charge.

Time as to Reversions not to begin to run till they fall into possession;

nor to Hereditaments which have been granted for limited Estates till such Estates fail.

and

and continue in the Duke of *Cornwall*, at any Time within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof as aforesaid.

Estates to remain subject to all Rents and Duties.

LXXVIII. Provided also, and be it enacted, That all and singular the Manors, Lands, Tenements, and Hereditaments hereinbefore referred to, shall at all Times hereafter (except in Cases which are otherwise expressly provided for by this Act) be holden of the Duke of *Cornwall*, and all other Persons respectively, by the same Tenures, Services, Fee Farms, Chief Rents, Heriots, and other Duties, to all Intents and Purposes as the same should or ought of Right to be holden if the Estates, Rights, and Interests established and made sure by this present Act had been before the making of this Act firm, good, and effectual in Law.

Proviso as to Rents.

LXXIX. Provided also, and be it enacted, That where any Fee-farm Rent or other Rent (not otherwise expressly provided for by this Act) hath been or shall be answered and actually paid to the Duke of *Cornwall* within the Space of Sixty Years next before any Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, out of any Manors, Lands, Tenements, or Hereditaments situate in the County of *Cornwall*, of which Manors, Lands, Tenements, or Hereditaments, the Estates, Rights, or Interests being defective, are established and made good by this present Act, the Duke of *Cornwall* shall from henceforth for ever (except in Cases otherwise expressly provided for by this Act) have, hold, and enjoy the said Rents and the Arrearages thereof, in such Manner and Form, and as fully and amply, as the same are or were enjoyed at any Time within the said Space of Sixty Years.

Act not to bar the Duke as to Property comprised in the Award;

LXXX. Provided always nevertheless, and be it enacted, That this Act, or any thing herein contained, shall not extend to bar, impeach, or hinder the Duke of *Cornwall* of or from any Lands, Mines, Minerals, Stones, Substrata, Tenements, or Hereditaments which shall in or by such Award as aforesaid be determined to belong to the Duke of *Cornwall*.

nor to prejudice the Rights of existing Lessees or Grantees, if Claims be prosecuted within One Year.

LXXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be prejudicial to the Right, Title, or Claim of any Person in or to any Manors, Lands, Tenements, Tithes, Mines, Minerals, Stones, Substrata, or Hereditaments by virtue of or under any Grant, Letters Patent, or Lease from the Duke of *Cornwall*, made or passed before the First Day of *May* One thousand eight hundred and forty-four, so as such Right, Title, or Claim be prosecuted with Effect in a Court of competent Jurisdiction by some Action, Suit, or Proceeding commenced or instituted before or within the Space of One Year after the passing of this Act.

In case of Claims being prosecuted by such Lessees, Act not to prejudice Rights of

LXXXII. Provided always nevertheless, That in case any Person interested under any such Grant, Letters Patent, or Lease as aforesaid shall make any Entry, or prosecute any Right, Title, or Claim, within the Period of One Year after the passing of this Act, which Entry, Right, Title, or Claim shall be in anywise inconsistent

inconsistent with the Provisions in this Act contained for the Limitations of Actions and Suits, or which could not have been rightfully made or sustained in case such Person had been bound by such Provisions, then and in every such Case no Recital, Declaration, or Enactment in this Act shall be held or construed to prejudice the Right, Title, or Claim of any Person whomsoever against whom any such Action or Suit may be commenced or prosecuted.

Parties against whom Claims are made.

LXXXIII. Provided also, and be it enacted, That if any such Entry, Action, or Suit shall be made or prosecuted as last aforesaid, and any such Possession, Right, Title, or Claim shall be established by such Entry, or in Action or Suit, which shall be inconsistent with the said Provisions for the Limitation of Actions and Suits as aforesaid, or which could not have been established if such Person or Persons as aforesaid had been bound by such Provisions, then and in such Case such Possession, Right, Title, or Claim shall be absolutely determined and of none Effect from and immediately after the Determination, by Lapse of Time, Surrender, Forfeiture, or otherwise, of the Grant, Letters Patent, or Lease by virtue whereof the Person making such Entry, or commencing such Action or Suit, shall have claimed or been entitled.

Rights established by Leases to determine with the Grant or Lease.

LXXXIV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine concerning, or shall in anywise prejudice, affect, or extend to any lawful Right, Profit, Privilege, or Easement to which the Tinnors of the County of *Cornwall* are or claim to be entitled, as such Tinnors, under or by force of any Statute, Custom, Prescription, or Royal Charter; but the same shall be and remain in full Force and Vigour as if this Act had never passed.

Act not to affect the Privileges of the Tinnors;

LXXXV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine concerning, or shall in anywise affect or extend to any Royalty, Liberty, Office, or Franchise which has at any Time heretofore been let in Convention, or granted by Assession, or any Estate, Right, Title, or Interest therein.

nor extend to Royalties, Liberties, Offices, &c. let in Convention;

LXXXVI. Provided also, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine the Property or Right of or to any navigable River, Estuary, Port, or Branch of the Sea, or the Fundus or Soil of any navigable River, Estuary, Port, or Branch of the Sea, or the Shores between High and Low Water Mark thereof respectively, or any Franchise, Royalty, or Jurisdiction in or over such navigable River, Estuary, Port, or Branch of the Sea or Shores respectively, or any Boundary Question, Claim, or Right whatsoever, in anywise relating to the Matters aforesaid, or any of them; and that nothing in this Act contained shall in anywise conclude, prejudice, affect, or extend to any Property, Right, Claim, or Question whatsoever of, to, or concerning the Matters aforesaid, or any of them.

nor to navigable Rivers, Estuaries, Branches of the Sea, or Sea Shore.

LXXXVII. Provided always, and be it enacted, That this Act, or any thing herein contained, shall in nowise alter or affect the Operation, Extent, or Construction of an Act made and passed in

Act not to affect the Act of 2&3W. 4. c. 100.

the

the Session holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for shortening the Time required in Claims of Modus decimandi, or Exemption from or Discharge of Tithes, or any thing therein contained.*

Provisions for Limitation of Actions, &c. to apply only to Lands, &c. in Cornwall.

LXXXVIII. Provided always, and be it enacted and declared, That the Provisions herein-before contained for the Limitation of Actions and Suits, and the several other Provisions, Matters, and Things herein contained, shall apply only to Lands, Manors, Tenements, Rents, Tithes, Mines, Minerals, Stone, Substrata, Hereditaments, and other Things situate, issuing, arising, or being in the County of *Cornwall*.

Actions under Act to be commenced within Three Months.

LXXXIX. And be it enacted, That if any Action, Suit, or Proceeding shall be brought or commenced against the Commissioners hereby appointed, or their Secretary, or any Person acting under their Authority, for any thing by them or him purported to be done in pursuance of this Act, such Action, Suit, or Proceeding shall be commenced within Three Calendar Months next after the Thing done.

Orders, &c. not to be void for Want of Form.

XC. And be it enacted, That no Order, Adjudication, Award, Apportionment, or other Proceeding made or had by or before the said Commissioners under the Authority of this Act, or any Proceeding to be had touching any Offender against this Act, shall be quashed, or void or voidable, for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Power of Attorney, &c. free of Stamp Duty.

XCI. And be it enacted, That no Power of Attorney, Award, or Bond, to be given or made in pursuance of the Provisions of this Act, shall be chargeable with any Stamp Duty.

Interpretation of Act.

XCII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females: The Word "Person" shall include a Body Politic or Corporate: The Word "Oath" shall include Affirmation, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath:

The Expression "the Duke of *Cornwall*" shall include as well His Royal Highness *Albert Edward* now Duke of *Cornwall* as His Predecessors and Successors Dukes of *Cornwall*, and also the Queen's most Excellent Majesty, and Her Predecessors and Successors Kings and Queens of *England*, for the Time being, entitled to the Manors, Lands, and Possessions of the Duchy of *Cornwall*, or the Revenues thereof, during a Vacancy of the Duchy of *Cornwall*:

The Expression "Conventiionary Tenement" shall mean and include all Lands, Tenements, and Hereditaments now, or

at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four, held as Conventiary Tenements of the Manors mentioned in the First and Second Schedules hereunto annexed, whether the Tenure thereof has been changed before or shall be changed after the passing of this Act or not, and shall include undivided Parts and Shares, and divided Parts and Shares, of and in such Conventiary Tenements :

The Expression "Conventiary Tenant" shall include every Person having any Right, Title, Estate, or Interest in any Conventiary Tenement, or any undivided or divided Part or Share thereof, whether the Tenure of such Tenement has been or shall be changed as aforesaid or not :

The Expressions "Waste" and "Waste Lands" shall include all Commons, Downs, Moors, and uninclosed Lands.

XCIII. And be it enacted, That during the Minority of His said Royal Highness *Albert Edward* now Duke of *Cornwall* all Rights, Powers, Privileges, and Authorities, Acts, Matters, and Things, to be exercised, made, or done by the Duke of *Cornwall* in pursuance or under the Authority of this Act, shall and may be exercised, made, and done by the Queen's most Excellent Majesty, or by the Council of His said Royal Highness for the Time being, or by other the Guardian or Guardians for the Time being of His said Royal Highness, as fully and effectually to all Intents and Purposes as if His said Royal Highness were of full Age, and such Rights, Powers, Privileges, and Authorities, Acts, Matters, and Things, were exercised, made, or done by His said Royal Highness.

Provision during the Minority of His Royal Highness *Albert Edward* now Duke of *Cornwall*.

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

Act may be amended, &c.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE referred to by the above Act.

HELSTON-IN-TRIGG.	TALSKEDY.
PENMAYNE.	LISKEARD.
TINTAGEL.	RILLATON.
RESTORMEL.	STOKE CLIMSLAND.
PENLYNE.	TREMATON.
PENKNETH.	

SECOND SCHEDULE referred to by the above Act.

TEWINGTON.	TYWARNHAILE.
TYBESTA.	HELSTON-IN-KERRIER.
MORESK.	CALSTOCK.

C A P. CVI.

An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*.

[9th August 1844.]

6&7W.4.c.116. ' **W**HEREAS an Act was passed in the Sixth and Seventh Years of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, wher by Provision was made for the above Purpose in all Parts of *Ireland*, except in the County and City of *Dublin*; and it is expedient to assimilate the Law in the County of *Dublin*, as far as may be practicable, to that in other Parts of *Ireland*.' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-five the following Acts and Parts of Acts shall be and are hereby repealed, save and except so far as they or any of them repeal any other Act, and also save and except as to Matters and Things heretofore done under the said Acts or any of them; (that is to say,) an Act passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making, widening, and repairing public Roads in the County of Dublin, and for repealing Parts of several Acts formerly made for that Purpose* (except such Parts thereof as authorize the Grand Jury to accept from and the late Sir *Nicholas Lawless* to make a Conveyance of so much of *Gallows Hill* as might be deemed sufficient for erecting a County Gaol, and provide that the Person or Persons to whom such Conveyance should be made should in nowise be reputed to derive or claim as a Freeholder or Freeholders, and as empower the Grand Jury to levy and pay to the said Sir *Nicholas Lawless*, his Heirs and Assigns, the annual Rent therein mentioned); also an Act passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to alter and amend the aforesaid Act made in the Twenty-sixth Year of His said Majesty's Reign*; also an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend so much of an Act made in the Parliament of Ireland in the Twenty-sixth Year of King George the Third, for making and repairing public Roads in the County of Dublin, as relates to the Roads within the Barony of Rathdown*; and also an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act to amend an Act made in the Parliament of Ireland in the Twenty-sixth Year of King George the Third, for making and repairing public Roads in the County of Dublin*, with respect to those Roads within those Parts of the Baronies of *Uppercross* and *Newcastle* which are situate on the South-east Side of the great Turnpike Road leading from *Dublin* to *Cork* by *Rathcoole* and *Naas*.

Acts and Parts of Acts repealed;

26 G. 3. (I.) in part.

43 G. 3. c. xxv.

50 G. 3. c. lx.

51 G. 3. c. lxxvi. in part.

No Presentment for raising

II. And be it enacted, That it shall not be lawful for any Grand Jury of the County of *Dublin* to present, or for the Judges

or

or Justices of any Court to allow any Presentments for the raising or levying any Money off the County of *Dublin* at large, or off any Barony within the said County, except at *Easter Term* in every Year; and such *Easter Term* shall be designated the Presenting Term for the County of *Dublin*; and on the First Day of every such Term the Clerk of the Crown in open Court shall administer to each of the Grand Jurors to be impannelled the Oath following; (that is to say,)

‘ YOU shall diligently inquire, on behalf of the County of *Dublin*, and true Presentment make, of all such Matters and Things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any Money upon the said County of *Dublin*, or upon any Barony, Half Barony, District, or Parish therein, or relating to the Expediture of any such Money: You shall not present, nor allow, nor disallow, any Matter or Thing, through Hatred, Malice, or Ill-will, nor through Fear, Favour, Affection, nor Reward.

‘ So help you GOD.’

III. And be it enacted, That the Grand Jury of the said County of *Dublin*, so impannelled at the Presenting Term in each Year, shall be and be deemed to be the Grand Jury of the said County for all the Purposes of this Act, and shall transact the fiscal Business of the said County in open Court, and in such Place or Room, and within such Times, during Term, as the Judges of the Court of Queen’s Bench from Time to Time shall appoint, not exceeding Twelve Days from the First Day of each Presenting Term; and that the Secretary of the Grand Jury shall cause to be laid before the Court of Queen’s Bench, Two Days at least before the last Day that shall be appointed by the Judges as aforesaid for the finishing of the fiscal Business, all Accounts of Presentments to be stated by the Court; and that each Grand Jury shall for the whole Period during which they shall sit be called over each Morning at sitting by the Foreman or Person acting as such, 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 Court of Queen’s Bench, and unless the same shall be excused on the Ground of Illness, or other good and substantial Reason, to the Satisfaction of the Court, such Fine and Penalty shall be by the said Court 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 Forty Shillings for each such Default, to be in like Manner recovered and applied: Provided always, that nothing herein contained shall limit or affect the Authority of the said Court to enforce the Attendance of any Grand Juror as said Court may now enforce such Attendance.

Money except at Easter Term.

Grand Jurors Oath.

Grand Jury shall transact Business in open Court, in such Place as Judges of Queen’s Bench shall appoint; and shall be called over each Morning.

Appointment of County Officers.

Grand Jury shall appoint Secretary.

IV. And be it enacted, That upon the Death, Resignation, or Removal of the present Secretary of the Grand Jury it shall be lawful for the Grand Jury at any such Presenting Term to appoint a proper Person to act as their Secretary; and the present Secretary of the Grand Jury, or any Secretary 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, duly qualified, shall be in like Manner appointed; and if any Person appointed Secretary shall happen to die, the Clerk of the Peace or his known Deputy is hereby required to act as such until the last Day of the ensuing Presenting Term; 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; but in case of the Illness of the Secretary it shall and may be lawful for such Secretary to appoint a Deputy, for whom he shall be responsible, and who shall perform the Duties of said Secretary during his Illness: Provided always, that it shall not be lawful to appoint or continue joint Secretaries or more than One Person as Secretary in the said County.

Secretary shall not be also the Clerk of the Peace, &c.

V. And be it enacted, That it shall not be lawful for the same Person to be appointed, after the First Day of *January* One thousand eight hundred and forty-five, Secretary of the 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 the 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 the Court of Queen's Bench, 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.

Lord Lieutenant shall appoint Number of Districts for Surveyors, and Salaries.

VI. And be it enacted, That it shall be lawful for the Lord Lieutenant, by Order in Council, at any Time and from Time to Time hereafter, to require and direct the Grand Jury of the said County, at the *Easter* or *Michaelmas* Term next following the making of such Order, to divide the said County into as many Road Districts as in and by such Order shall be directed, or to alter any Districts, and fix and declare the Salary of the Surveyors to be appointed for each District, and the Scale by which such Salary shall be at any Time augmented; and the said Grand Jury shall thereupon declare and define by Presentment the Boundary of each such District, and set forth the Townlands or Denominations to be contained therein; provided, however, that no Barony shall be divided, but the whole of each Barony shall be placed in One District; and the Presentment for such Division or Alteration of Division of the County shall be laid before the Court, and filed with the other Presentments; and from and after the filing of such Presentment the several Districts to be formed shall be and constitute the Road Districts respectively of the said County for the Purposes of this Act.

Grand Jury shall fix Boundaries.

No Barony to be divided.

A Board of Engineers shall

VII. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* at any Time to 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 Persons desirous to act as District Surveyors for the said County under this Act; and such Board of Engineers, after due Examination, shall give Certificate of Qualification to any Person who, in their Opinion, shall be duly and properly qualified to undertake the Duties of such Office; and it shall be lawful for the Grand Jury of the said County, at the next *Michaelmas* Term after the passing of this Act, or at any succeeding Presenting Term, to appoint from amongst the Persons who shall have obtained such Certificate One Surveyor for each Road District, at such Salary and subject to such Augmentation as shall have been so fixed and determined by the Lord Lieutenant in Council.

examine and give Certificates to Persons qualified and desirous of being appointed Surveyors.

VIII. And be it enacted, That each Surveyor to be appointed as aforesaid shall attend at each Presentment Sessions herein-after directed to be held in and for his District for the Reception of Applications for Presentments, and also at the Presentment Sessions for the County at large, and shall afford such professional Advice and Assistance in the Consideration thereof as may be required of him under the Direction of the Grand Jury, the Finance Committee herein-after directed to be appointed, or Presentment Sessions, and shall prepare Forms of Tenders and Proposals, Estimates, Specifications, Maps, Plans, Sections, or Elevations of any Work approved thereat, and shall himself make such Application, when necessary, as herein-after directed, and shall also attend upon the Grand Jury, and as far as possible 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 shall also report generally on the State of Public Works in their respective Districts, and on all Applications on the 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 or Finance Committee 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 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 or Finance Committee.

Duties of District Surveyors.

IX. And be it enacted, That any Surveyor appointed under this Act may be at any Time suspended or dismissed or his Salary withheld for Neglect or Misconduct, at the Pleasure of the Lord

Surveyors may be dismissed by Lord Lieutenant or Grand Jury.

Lieutenant of *Ireland*, or by the Grand Jury at any Presenting Term; and in such Case, and on every other Vacancy, however occasioned, the Grand Jury at the next Presenting Term shall appoint a Successor from and out of the Persons who shall be from Time to Time certified to be qualified as aforesaid: Provided always, that in case of Indisposition or other unavoidable Cause, proved on Oath to the Satisfaction of the Grand Jury or of any Three Justices of the Peace for the said County, such Surveyor may depute another Person, duly certified as herein-before mentioned, to act for him; and such Deputy shall be removable in like Manner as his Principal.

On Death, Resignation, or Dismissal of present Collectors, Grand Jury shall appoint Collectors of County Cess.

X. And be it enacted, That upon the Death, Removal, or Resignation of any of the present Collectors the Grand Jury of the said County shall at any Presenting Term appoint a proper Person, not being a Magistrate or Attorney, to be 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 the Proportion which such Barony may be liable to pay towards the Money presented to be raised on the County at large; and every such Collector 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 or Collector: Provided always, that if any such Collector shall happen to die before he shall have collected the whole of the Money presented to be raised as aforesaid on such Barony for which he shall be Collector, or if any Case of Vacancy should occur, or if any Collector shall become incapable of performing his Duty by Illness or otherwise, it shall be lawful for the Finance Committee for the said County to appoint another fit and proper Person to be Collector *pro tempore* until a Collector shall be appointed by the Grand Jury as aforesaid.

Collectors shall enter into Security.

XI. Provided always, and be it enacted, That no Person shall act as Collector unless he shall have given Security before the acting Foreman of the Grand Jury at some Presenting Term, or before some Justice of the Peace, being a Member of the Finance Committee (if such Collector shall have been appointed by the Finance Committee), by Two sufficient Sureties to be approved of by the Grand Jury or Finance Committee, joining with him in executing a Bond and Warrant of Attorney, without Stamp, to confess Judgment to the Secretary of the Grand Jury, conditioned for his duly collecting and paying into the Bank of *Ireland*, to the Credit of the Finance Committee from Time to Time, so long as he shall continue Collector, or till the Grand Jury shall otherwise determine, all such public Money as he is or shall be required to collect, and that he shall at no Time retain in his Possession a larger Sum than One hundred Pounds; and it shall be lawful for the Grand Jury to fix a Sum not exceeding One Shilling in the Pound on the Amount of the Collection to be paid to each of the present Collectors for his Trouble therein, and a Sum not exceeding Nine-pence in the Pound on the Amount of the Collection to be paid to every Collector hereafter to be appointed for his Trouble therein: Provided always, that no Presentment for the Payment of such Poundage, or any Balance thereof, shall be made by any Grand Jury, or stated by the Court, unless the Warrant under which such Collector has levied such public Money shall be annexed

Grand Jury to fix Poundage to be allowed.

Proviso.

annexed to such Presentment, nor unless such Collector and his Deputy respectively shall make Affidavit before the acting Foreman of the said Grand Jury that such Public Money has been fairly and impartially levied, and that no more than the Sum authorized by the Warrant has been collected, to the best of his and their Knowledge and Belief; and every 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 Secretary of the Grand Jury for the Time being, who shall be entitled to continue the Proceedings of any former Secretary 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 Secretary.

XII. And be it enacted, That every Collector shall commence his Collection with as little Delay as possible after Receipt of his Warrant, and shall lodge the Amount collected from Time to Time in the Bank of *Ireland* to the Credit of the Finance Committee of the County, and shall not at any Time retain in his Hands more than One hundred Pounds, but shall lodge the same with all convenient Expedition in the said Bank of *Ireland*, and shall attend the Finance Committee from Time to Time, and make up the Accounts of his Collection when and as such Finance Committee shall direct, and furnish them with a Copy or Vouchers of all Receipts and Lodgments; and in case of any Inattention, Neglect, or Misconduct on the Part of any such Collector it shall be lawful for the said Finance Committee to suspend or dismiss such Collector, and to appoint another Person to act in his Place in completing such Collection, whereupon the said Collector shall hand over his Warrant, with a List of the Persons whose Grand Jury Cess may have been paid or may remain unpaid; and if such Collector shall refuse or neglect for One Week to deliver over such Warrant and List as aforesaid, after being required so to do, he shall forfeit the Sum of Twenty Pounds to be recovered by Civil Bill, or before any Justice of the Peace, at the Suit of the Finance Committee; and the Person so appointed to act in the Place of the Collector so suspended or dismissed shall, after having entered into Security as aforesaid, have and possess all the Rights, Powers, and Privileges of a Collector duly appointed by the Grand Jury under this Act until the First Day of the then next Presenting Term, but no longer.

XIII. And be it enacted, That it shall and may be lawful for the Grand Jury of the said County at any Presenting Term, Application being previously made at Presentment Sessions as herein-after directed, to present such Sum or Sums of Money, to be raised off the County at large, as shall be necessary for building, rebuilding, enlarging, repairing, altering, hiring, furnishing, or fitting up any Court House or Sessions House therein, whether for any other Purpose required by Law, or for the Purposes of Presentment Sessions under this Act; and whenever any Presentment shall be made for any of such Purposes, or any other public Works, and the Sum necessary to be raised for the same shall be greater than it may be proper to levy off the County at

Duty of
Collectors.

Collectors may
be suspended
or dismissed
for Negligence
by Finance
Committee.

Presentments on
County at large.

Grand Jury
may present on
County at large
for building,
repairing, &c. of
Court Houses.

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 off the 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.

Providing for
insufficient or
incommodious
Sessions
Houses.

XIV. And be it enacted, That if, in any Town or Place at which the Lord Lieutenant hath directed or may hereafter direct that a Quarter Sessions of the Peace, or any Adjournment thereof, shall be holden for the Despatch of Civil or Criminal Business, there be not a sufficiently commodious or convenient Sessions House, it shall be lawful to and for the said Lord Lieutenant to direct any Architect or Engineer as he shall deem advisable to 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 the Copy of the Warrant of the Lord Lieutenant, before the Grand Jury at the Presenting Term 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 the last Day of such Presenting Term, 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 Architect or Engineer 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 forthwith advertise for Tenders for the Execution thereof, and shall lay the same, together with the Presentment, and the Specifications, Maps, Plans, Sections, and Elevations, as approved of by the Grand Jury, and the Tenders for Execution thereof, before the next adjourned Presentment Sessions holden for the County at large; and the Tenders that shall be made for the Execution of such Works shall be opened at 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 Calendar Months from the last Day of the Presenting Term in 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 Presenting Term of the Certificate of the Secretary of such Commissioners that a Sum not exceeding the Sum of One thousand Pounds

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 also, 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.

XV. And be it enacted, That it shall be lawful for the Secretary of the Grand Jury, under Direction of any Presentment Sessions for the County at large, to advertise in the public Newspapers for Surveys, Specifications, Maps, Plans, Sections, and Elevations from professional Engineers and Architects, for the Erection, Alteration, and Repair of such Buildings as may be required for the public Use of the County, or for the Construction of any Bridge or other public Work, the probable Cost of which shall exceed One thousand Pounds, and to offer a Sum not exceeding Fifty Pounds as Remuneration to the Engineer or Architect whose Plans shall be approved of; and it shall be lawful for the Grand Jury to make Presentment of such Remuneration, and to employ such Engineer or 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.

Secretary of
Grand Jury
may advertise
for Plans, &c.

XVI. 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 the said County, it shall be lawful for the Grand Jury of the said 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 passed in the Seventh Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for consolidating and amending the Laws relating to Prisons* in Ireland, 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

Sites of Court
and Sessions
Houses.

7 G. 4. c. 74.

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 be lawful 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 King *George* the Fourth'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.

Rents of Court
and Sessions
Houses.

XVII. And be it enacted, That it shall be lawful for the Grand Jury of the said County and they are hereby required to present at each Presenting Term, 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.

Commissioners
of Public Works
may sell old
Court Houses.

XVIII. And be it enacted, That it shall be lawful for the Commissioners appointed as aforesaid by any Grand Jury of the said County to sell and dispose or to authorize the Sale and Disposal of any old Court House or Sessions House belonging to the said County in which the Sessions have been discontinued or have ceased to be held, together with the Ground or Site on which the same is built, according to the Title or Interest which the 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 to the Credit of the Finance Committee 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 connected with the County at large as any other public Money raised off such County, and coming to the Credit of such Finance Committee, may be applied.

For providing
Fuel, &c. for
Court Houses.

XIX. And be it enacted, That it shall be lawful for the Grand Jury of the said County, at any Presenting Term, without any previous

previous Application to Presentment Sessions, to present, to be levied off such County at large, 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 Finance Committee of such County until the Person to whom any such Sum so to be presented for Fuel shall be payable under such Presentment shall prove, to the Satisfaction of the said Finance Committee, by an Affidavit sworn by him before some Justice of the Peace, or by other Evidence, 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.

XX. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, to be levied off the County at large, for each of the Places wherein Petty Sessions shall be appointed to be held, an annual Sum not exceeding Ten Pounds for the Rent of a Room or Rooms for the holding of Petty or Presentment Sessions thereat, and of a Lock-up Room or House: Provided always, 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: Provided also, 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, have been held in such Room or Rooms.

XXI. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, without any previous Application at Sessions, to be levied off such County at large, any Sum not exceeding Twenty Pounds for the Court Keeper of *Kilmainsham*, and not exceeding Eight Pounds, at each Presenting Term, as a Salary or Payment for the Keeper of any other Sessions House belonging to such County where the General Quarter Sessions of the Peace are held, and any Sum not exceeding Ten Pounds, at each Presenting Term, for an Interpreter, if such Payment shall be recommended by the Court.

XXII. And be it enacted, That it shall be lawful for the Grand Jury as aforesaid (Application being previously made at Presentment Sessions) 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 Depôts for Materials, not exceeding One Pound for each Direction Post, Milestone, Mile

Rent of Petty
Sessions
Houses.

Salaries of Ses-
sions House
Keepers, &c.

Erecting Mile-
stones, &c.

Post,

Post, or Depôt, also the necessary Expences incurred in printing the several Notices and other Documents, Accounts, and Abstracts herein directed or authorized by the Grand Jury at any Presenting Term, and sanctioned by the Court, to be printed.

Support of
Fever Hospitals
and Dispensaries.

XXIII. 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 Town or Place in the said 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 the said County at any Presenting Term to present, to be raised off the said County, or any Barony or Baronies thereof, as to such Grand Jury shall seem fit, in case of a Fever Hospital a Sum not exceeding Double the Amount, and in the Case of a Dispensary a Sum not exceeding 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 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; 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 First Day of *January* One thousand eight hundred and forty-five, resided since the Creation of such Dispensary or Hospital, or since the last Presenting Term, (as the Case may be,) at or within One Statute Mile of such Dispensary or Hospital.

Erection of
Fever Hospitals.

XXIV. And be it enacted, That whenever it shall be made appear by Statement on Oath to the Grand Jury of the said County that there has been actually received from private Subscription-

scriptions 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 to present, to be raised off such County at large, 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 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.

XXV. And be it enacted, That where any Ward or Wards for the Reception and Support of Idiots and incurable Insane Persons is or may be established in conjunction with or under the Direction of any Lunatic Asylum connected with the said County, it shall and may be lawful for the Grand Jury at each Presenting Term, without previous Application at Sessions, 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 Ward connected with such Lunatic Asylum; and such Sum shall be raised off the County at large, or off any Barony or Baronies thereof, as the Grand Jury shall direct.

XXVI. 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 of the United Kingdom of *Great Britain* and *Ireland*, 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 Town or District within the said County, it shall be lawful for the Grand Jury and they are hereby required to present, without previous Application to Presentment Sessions, all Sums so advanced to be raised off such County, or any Barony or Baronies thereof: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, if they shall think fit, to direct that such Sum shall be repaid by such Instalments as they may think proper.

Idiot Wards in connexion with Lunatic Asylums.

Expences of Boards of Health.

XXVII. And

Lunatic Asylums, Erection of, where necessary.

1 & 2 G. 4. c. 33.

XXVII. 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 Her 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 the said County at any Presenting Term to present, without previous Application to Presentment Sessions, such Sum or Sums of Money, to be raised off such County at large, or any Barony or Baronies thereof, as shall be requisite for defraying the Expences of erecting and establishing an Asylum for the Lunatic Poor, or for erecting any Ward for the Reception of Idiots or incurable Lunatics for such District or any Proportion thereof, ascertained by any Order made by the said Lord Lieutenant and Privy Council.

Maintenance of Lunatic Asylums.

XXVIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County, without previous Application at Presentment Sessions, to present, at each Presenting Term, to be levied off such County at large, or Barony or Baronies thereof, 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, under the Provisions of the said last-recited Act.

Repayment of Advances for Lunatic Asylums.

XXIX. And be it enacted, That whenever the Lord Lieutenant of Ireland, by and with the Advice of Her 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 said Consolidated Fund arising in Ireland, for the Purpose of erecting and establishing, opening, carrying on, enlarging, maintaining, or supporting, any such Asylum, the Grand Jury of the said County shall and they are hereby required (after any such Asylum shall be fit for the Reception of such Lunatic Poor) to present at each Presenting Term, without any previous Application at Presentment Sessions, such Sum or Sums of Money, to be levied off such County at large, 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.

Rents for same.

XXX. And be it 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 for the said County,

County, it shall be lawful for the Grand Jury of the said County, and such Grand Jury are hereby required, at the Presenting Term 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 from Time to Time whenever the Case shall happen, to present, without previous Application to Presentment Sessions, to be levied off such County at large, 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.

XXXI. And be it enacted, That it shall be lawful for the Grand Jury of the said County, at each Presenting Term, to present any Sum not exceeding in the whole the Sum of One hundred Pounds for each and every Coroner in such County, to be levied off such County at large, 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 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 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 One Pound Ten Shillings for each Inquest so held by him.

Fees to Coroners.

XXXII. Provided always, 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:

Certificates of Inquests held by Coroners.

‘ I *A.B.*, a Coroner in the County of *Dublin*, do hereby certify,
 ‘ That on the Day of I held an Inquest on
 ‘ the Body of *C.D.* at in this County, and that the
 ‘ Names of the Jurors impannelled on such Inquest were as
 ‘ follows; and that the Names of the Witnesses
 ‘ examined before such Jurors were as follows; All which
 ‘ and that the Verdict of such Jury was Day of
 ‘ I certify. Dated this Day of
 ‘ ‘ *A.B.* Coroner of this County.’

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 Matters relating to said Inquest, or as to the Truth of any such Certificate.

XXXIII. And be it enacted, That whenever any Coroner shall deem it necessary to hold any Inquest, and shall summon any Medical Witness to attend the same, he shall summon such legally qualified Medical Practitioner as shall reside nearest to the Place where such Inquest is to be taken, unless there be some sufficient Reason to the contrary.

Coroner to summon nearest qualified Practitioner.

XXXIV. And be it enacted, That for Payment and Remuneration of every Medical Witness who, having been summoned by any Coroner as aforesaid to attend at any Inquest, shall attend same,

Payment of Medical Witnesses.

- same, and, pursuant to the Directions which he shall receive from such Coroner, shall examine any dead Body, and give Evidence upon the Inquest taken thereon, it shall be lawful for the said Coroner and he is hereby empowered to sign and issue to such Medical Witness, upon obtaining his Receipt for same, an Order upon the Finance Committee of the County of *Dublin* for the Sum of One Guinea, and no more, for such Attendance, Examination, and Evidence as aforesaid; and if it should appear necessary to such Coroner that a Post-mortem Examination should be made by any such Medical Witness, it shall be lawful for such Coroner to order and direct that such Post-mortem Examination shall take place; and such Coroner shall and may in like Manner sign and issue to such Medical Witness, for every such Post-mortem Examination and Evidence, an Order upon the Finance Committee as aforesaid for the further Sum of One Guinea, upon obtaining a like Receipt; but in no Case shall any Coroner sign or issue to or for any Medical Witness, for or on account of any One Inquest, any Order for a greater Sum than the Sum of Two Guineas; 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 same presented for the Inquest whereat such Parties may attend: Provided always, that the Coroner shall certify to the Presentment Session of the Barony in which the Inquest was held the Amount and Particulars of all Sums so by him ordered to be paid.
- Ordinary Examination One Guinea.**
- Post-mortem Examination Two Guineas.**
- Grand Jury may present for Fees to Medical Witnesses.**
- No Presentment if Coroner has not attended.**
- Maintenance of Constabulary.**
- XXXV. 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 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.
- XXXVI. And be it enacted, That it shall be lawful for the Grand Jury of the said County at each Presenting Term, and they are hereby required, to present, to be levied off the County at large, or off any Barony or Half Barony or any Portion of a 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, Half Barony, or Portion of a Barony, by and under the Provisions of any Act or Acts for the Appointment, Maintenance, and Regulation of 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 said Commissioners of Her 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 One of them, directed to be paid to the Parties entitled to the same: Provided always, that nothing herein contained shall extend or be construed to extend to authorize any Grand Jury to present any Sums of Money for the

the Maintenance or Support of the Constabulary to be raised off such Parts of the said County as are assessed for the Support of the Metropolitan Police, and exempted from Assessment for the Constabulary under an Act passed in the First Year of Her Majesty's Reign, Chapter the Twenty-fifth, for the Regulation of the Metropolitan Police of *Dublin*.

XXXVII. 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, and to be defrayed by the said County of *Dublin*, or any Barony thereof, it shall and may be lawful for the Grand Jury of the said County, 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) 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 Commissioners of Her Majesty's Treasury, or any Three or more of them, shall direct.

Remuneration to Constables, &c. for bodily Injuries.

5 G. 4. c. 28.

XXXVIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County and they are hereby required to present (without previous Application to Presentment Sessions), to be raised off the County at large, 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, County 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 now in force 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 during the Life of each Person so entitled thereto, on Proof to the Grand Jury from Time to Time that such Person is living.

Superannuation to Magistrates, &c.

XXXIX. And be it enacted, That when in the said County any Special Constable shall have been appointed by virtue of an Act of the Second and Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for amending the*

Special Constables.

2&3W.4.c.108.

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 Finance Committee 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 at large, or any Barony thereof, within which such Special Constables may have served, the Amount of all Sums paid by the Finance Committee pursuant to such Order or Orders.

Prosecutors and
Witnesses.

XL. And be it enacted, That where any Person shall have been tried for any Felony or Misdemeanor whatsoever committed or alleged to have been committed in the said County of *Dublin*, 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, and Cause for the same being defrayed by the County of *Dublin*, to order the Finance Committee of the said County 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 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 or Misdemeanor whatsoever committed or alleged to have been committed in the said County of *Dublin*, 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 have *bonâ fide* attended in obedience to such Recognizance or Subpœna, to order the Finance Committee of the said County 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 Finance Committee is hereby authorized and required 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 the Grand Jury of the said County shall,

shall, at each Presenting Term, 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.

XL. 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 within the said County of *Dublin*, 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 to present, upon the Recommendation of the Lord Lieutenant, and without previous Application at Presentment Sessions, 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.

Rewards for
Information.

XLII. And be it enacted, That it shall be lawful for the Grand Jury of the said County, at any Presenting Term, 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 of any 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.

Rewards for
Apprehension
of Offenders.

XLIII. And be it enacted, That upon the Removal of any Prisoner apprehended according to Law in any other Part of the United Kingdom, and charged with any Offence committed within the said County of *Dublin*, it shall be lawful for the Finance Committee of the said County, upon being satisfied that such Expences are reasonable in amount, and fairly chargeable upon the said County of *Dublin*, to repay, out of any Funds to their Credit, the Expences attending the Removal of such Prisoner; and the Grand Jury of the said County shall, at the next Presenting Term, present the Amount so paid to be raised off the County at large; and such Presentment shall be made without any previous Application to Presentment Sessions.

Removal of
Offenders.

Maintenance of
deserted Chil-
dren.

XLIV. And be it enacted, That where, either previous to or after the First Day of *January* One thousand eight hundred and forty-five, any Child under the Age of Two Years shall have been or shall be left exposed and deserted in any Parish in the said County, 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 any Judge of the Queen's Bench, 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 to be paid in like Manner as herein-before provided for: Provided also, 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.

Salaries of
County Officers,
as per Schedule.

XLV. And be it enacted, That all County and other Officers and Persons mentioned and specified in the Schedule No. 15. to this Act annexed shall, from and after the First Day of *January* One thousand eight hundred and forty-five, be paid and remunerated for their respective Duties, Services, and Expences by annual Salaries, payable half-yearly by the Finance Committee, by equal Moieties, and not exceeding the Amount mentioned in the said Schedule; and the Grand Jury at any Presenting Term shall and may present (without previous Application to Presentment Sessions) for each such Officer, to be raised off the County at large, the Amount of such annual Salary as shall be agreed upon by said Grand Jury: 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 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: Provided always, that on any Vacancy occurring in the said Offices, as set forth in Schedule No. 15. of this Act, either by Death or otherwise, the Person or Persons appointed to fill said Offices shall be paid according to Schedule (S.) in the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen.

Clerk of Crown
to make Return
of Fees.

XLVI. And be it enacted, That before any Clerk of the Crown or Clerk of the Peace and other Officer in the said Schedule set forth shall be entitled to receive such Salary as is hereby provided, he shall at each Presenting Term lay before the Grand Jury

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 any Salary 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 Recognizance has been duly deposited or recorded.

XLVII. And be it enacted, That in case at any Time a Special Commission shall be held within the said County for the Trial of Offenders, the Grand Jury, at the Presenting Term next immediately ensuing, shall and may, without previous Application to Presentment Sessions, make a further Presentment for the Clerks of the Crown, Sheriffs and Judges Crier, not exceeding One Fourth of their annual Salary, subject nevertheless to the like Direction as herein-before given to any Grand Jury in case of Neglect or insufficient Discharge of Duty by any Officer.

Further Presentment in Special Commissions.

XLVIII. And be it enacted, That the Presentments to be made under this Act for the Secretaries of 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; such Stationery however shall not be understood to include any Books, Notices, or Abstracts which may be herein required, or which may be necessary for keeping the several Accounts of the County; and it shall be lawful for the Grand Jury to present such Sum or Sums as may be necessary for defraying the Expence of same.

Presentment for Secretary shall include Stationery.

XLIX. And be it enacted, That it shall be lawful for the Grand Jury of the said County at each Presenting Term, without previous Application to any Presentment Sessions, 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, such Sums to be raised off the County at large.

Registry Books and Lists.

L. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, to be raised off such County at large, 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, 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 late Majesty King *William* the Fourth, 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.*

Weights and Measures.

5 & 6 W. 4. c. 68.

Suing Officers,
&c.

LL. And be it enacted, That it shall be lawful for the Grand Jury of the said County to present, to be levied off such County at large, without previous Application at Presentment Sessions, such Sum or Sums of Money as may be necessary, or shall have been expended under the Direction of the Judges of the Court of Queen's Bench, or any Grand Jury or any Finance Committee, 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, or any other necessary Costs attending Grand Jury Business: Provided always, that no such Presentment shall be made unless there shall have been laid before such Grand Jury 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 received from the Person sued, or any other Person liable to pay the same, and that the Proceeding was instituted by the Direction of the Judges of the Court of Queen's Bench, or a Grand Jury at some previous Presenting Term, or the Finance Committee.

Valuation Com-
missioners.

7 G. 4. c. 62.

LII. 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 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, 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 Valutors appointed under the Provisions of the said recited Acts, or any of them, for Purposes appertaining to the Valuation of the said County, it shall and may be lawful for the Grand Jury of the said County, 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 the County, 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, it shall be paid over by the Finance Committee in such Manner, and to such Bank or Person, as the said Commissioners of Her Majesty's Treasury shall direct,

LIII. And

LIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County, Application having been previously made at Presentment Sessions as herein-after directed, to present such Sum or Sums of Money 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 at large, or off the Barony or Baronies in which the same may be locally situate.

Lowering Hills, building and repairing Bridges, Gulleys, &c. either on County or Barony.

LIV. And be it enacted, That where a River or Stream or where any other Road is the Boundary between the County of *Dublin* and any other County, so as that one Side of such Road shall be in the said 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.

Where Road or Stream is a Boundary.

LV. And be it enacted, That it shall be lawful for the 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 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 any 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 turning the Backs of Ditches to any Road, or for making, widening, or deepening Drains on the Side of any such Road, and carrying off the Water therefrom, or for making any Barony Pounds, to be levied off the Barony or Baronies where the same shall be situate, and, on a Requisition signed by any Twenty Rate-payers in any Parish, to present any Sum not exceeding Twenty Pounds for erecting a Parish Pound within any such Parish, and such Pound when so made shall be to all Intents and Purposes a good, sufficient, and lawful Pound, and the Sum so presented shall be apportioned and levied upon such Parish.

Presentments on Baronies for—
Widening and repairing Road and filling up Ditches.

Barony Pounds.

LVI. And be it enacted, That it shall be lawful for the Grand Jury of the said County at any Presenting Term 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

Footpaths, making and repairing.

or repairing the same, to be levied off the Barony or Baronies in which such Footpath shall be locally situate.

Repairs of
Roads and
Footpaths by
Contract not
exceeding
Five Years.

LVII. And be it enacted, That it shall be lawful for the Grand Jury of the said 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 Five 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 or Baronies in which such Road may be locally situate, and when it passes through more than One Barony then proportionally on each Barony: Provided always, that in case it shall appear to any District Surveyor, at any Time during the Continuance of any Contract 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.

New Roads,
Application
being previously
lodged with
Secretary, and
Notice served
on Occupier.

LVIII. And be it enacted, That it shall be lawful for the said Grand Jury at any Presenting Term 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 in which the same shall be situate, and when it passes through more than one Barony then proportionally on each Barony: 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 previous to each Presenting Term 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 Park enclosed 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.

LIX. And be it enacted, That it shall 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 One of the District Surveyors, 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 said County, such Allowance being signified under their Hands by Endorsement upon such Certificate.

Surveys for new Roads may be authorized on Certificate of Justices.

LX. And be it enacted, That it shall be lawful for any Two Justices of the Peace of the said County, upon the Application of any of the District Surveyors, 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 of the said County 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.

New Road not to be used for certain Time;

Penalty, Twenty Shillings.

LXI. And be it enacted, That it shall be lawful for the Grand Jury of the said County, after Application made and approved of at the preceding Presentment Sessions, to present any old Road in the said County which may appear to them to be useless to be stopped up, to every which Presentment it shall be lawful for any Person to enter a Traverse at the then or the next Presenting Term; and if such Traverse shall not be tried within a Year after such Presentment shall be made, and a Verdict had in favour of such Traverse, the Presentment shall stand good and valid to all Intents and Purposes.

Stopping up old Road.

LXII. ' And whereas it is expedient that Provision should be made for the more speedy and effectual Repair of Roads upon which Her 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 said late Majesty, intituled *An Act for the Extension and Promotion of public Works in Ireland*, or any other Act for amending the same, upon the Application of Her 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, in the said County of *Dublin*, 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 forthwith put into good and sufficient Repair accordingly, under the Superintendence of One of the County Surveyors; 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

Board of Works, on Requisition from Post Office, may repair Post Roads.

1 & 2 W. 4. c. 33.

poses 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.

The Board may employ Persons to execute the Works in certain Cases.

LXIII. And be it enacted, That in all Cases in which, under the Powers vested in them by Law in that Behalf, the Commissioners of Public Works in *Ireland* shall agree with the Grand Jury of the County of *Dublin* to grant One Moiety of the Expence of any Road or other public Work, on such Grand Jury bearing the Payment of the other Moiety thereof by Presentment, it shall and may be lawful to and for the said Commissioners either to execute the said Work by Persons employed by them, or to permit such Grand Jury to cause the same to be executed in the Manner required by the said recited Act or this Act in other public Works of the like Nature: Provided always, that it shall not be lawful for such Grand Jury in any Case to make a Presentment for Payment of such Moiety, except after and upon an Application for such Work duly made to and approved at a Presentment Sessions in the Manner required by the said Act.

Power of the Board over Works executed by them.
1 & 2 W. 4. c. 33.

LXIV. And be it enacted, That whenever the said Commissioners of Public Works in *Ireland* shall, under the Provisions of this Act, or of the said Act of the First and Second of *William* the Fourth, intituled *An Act for the Extension and Promotion of public Works in Ireland*, have undertaken the Repair and Maintenance of any public Road, it shall and may be lawful for the said Commissioners at all Times thereafter to exercise all and every the same Powers and Authorities which are herein vested in any Surveyor or Contractor of the said County Roads, or otherwise howsoever, or as the said Commissioners, by the Act of the Sixth of *George* the Fourth, Chapter One hundred and one, intituled *An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in Ireland*, are invested with, as far as the said Commissioners may consider the same or any of them necessary for the Preservation and good Order of such Roads, and the Removal of all Nuisances thereon, as also for the Purpose of obtaining Materials for such Repairs or Maintenance which they shall have to undertake.

Grand Jury shall present Sums to be expended for such Roads, &c.

LXV. And be it 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 the said County 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, 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 Presenting Term be laid before the Grand Jury of any such County, and thereupon the Grand Jury shall make Presentment of the Amount of such Expences,

pences, as stated in such Certificate, to be raised off the Barony or Baronies in which such Road shall be situate; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received it shall be paid over by the Finance Committee to such Bank or Person as the Commissioners of Her 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 Paymaster of Civil Services in *Ireland*.

LXVI. 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 the said County of *Dublin* 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 made and framed accordingly.

LXVII. And be it enacted, That it shall be lawful to and for every Justice of the Peace in and for the said County of *Dublin*, 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 such County, as the Grand Jury shall have appointed pursuant to the Provisions herein-after following; and at every Meeting of such Presentment Sessions, whether for One District or for the County at large, 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 shall preside; and such Chairman shall have in addition to his Vote a casting Voice, in case of an Equality of Voices.

LXVIII. And be it enacted, That it shall be lawful for the Grand Jury of the said County and they are hereby required, at the *Michaelmas* Term next after the passing of this Act, and at every succeeding Presenting Term, to appoint by Presentment certain Districts, consisting of One or more Barony or Baronies, for holding Presentment Sessions, and also certain Places within the County, *videlicet*, one in each District, where, and certain Times when, Presentment Sessions shall be successively holden, previous to the then next Presenting Term, 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 Presentment shall appoint the last Meeting of such Sessions to be holden at the County Court House of *Kilmainham* for the County at large; and it also shall be lawful for the Grand Jury at every such Presenting Term 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.

LXIX. And for the Purpose of enabling the Grand Jury to prepare such List of Cess-payers as hereinafter mentioned, be it 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 *Michaelmas* Term next after

Expence of Bridges to be partly in *Dublin* and partly in adjoining County.

Mode of making Presentments.

Magistrates and associated Cess-payers shall hold Presentment Sessions.

Magistrates shall appoint Chairman.

Grand Jury, at each Presenting Term, shall fix Districts, Places, and Times for Presentment Sessions.

Collectors shall make Returns of One hundred highest Cess-payers in each District to Grand Jury.

after the passing of this Act, and at each succeeding Presenting Term, 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, Houses, or Tenements in each District in said County, 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 or Houses actually occupied by them the highest Sum or Sums for Grand Jury Rates or Cess for and in respect of any Lands or Houses in such District 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.

Grand Jury shall fix Number of Cess-payers to be appointed with Magistrates, not less than Five nor more than Twelve, for each District; and shall reduce List furnished by Collectors to Treble that Number.

LXX. And be it enacted, That every such Grand Jury as aforesaid shall 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 District, 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 Treble the Number so determined upon of Persons, with their Additions and Abode, who, being Males of full Age, resident on and in actual Possession of Lands, Houses, or Tenements within such District 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 District respectively: Provided always, that at every Presenting Term after the First Day of *January* One thousand eight hundred and forty-five, except the first, 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 Presenting Term, selecting in the first instance the Names of the Cess-payers who were associated and acted with the Justices at the Presenting Sessions.

Manner of determining the Persons who shall be associated with the Justices to constitute Presentment Sessions Districts.

LXXI. And be it enacted, That the Grand Jury shall then cause the Name of every Person in such List for each District to be written upon separate Pieces of Parchment or Card, as nearly as may be of equal Size, with his respective Additions and Abode, which shall be put into a Box for that Purpose provided by the Secretary of the Grand Jury; and the acting Foreman 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 such Number of the said Cess-payers so first drawn shall be associated with the said Justice or Justices, and shall with such Justices constitute the Presentment Sessions for such District, and have and exercise, jointly with such Justice or Justices, all Power and Authority in the Business of such Sessions.

Secretary of Grand Jury shall notify Appointment

LXXII. And be it enacted, That the Secretary of the Grand Jury shall forthwith signify by Letter to each such Cess-payer that he has been thus chosen as a Member of the Presentment
Session-

Sessions for his respective District, and shall notify to him the Day on which such Sessions are to be held; and every Justice shall, previously to acting at any Presentment Sessions, whether for any District, or for the County at large, make and subscribe in open Court the Declaration contained in the Schedule marked No. 1. 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 contained in the Schedule marked No. 2. to this Act annexed, which said Declaration 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 a List of the Names of all 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: Provided always, that if none of the Cess-payers so chosen 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.

to such Cess-payers.

Justices and Cess-payers to subscribe Declaration.

LXXIII. And be it enacted, That the Justices and Cess-payers at each District Presentment Sessions shall select Two of the Cess-payers for such District to be associated with the Justices of the County as a Member of the Presentment Sessions for the County at large; and the Secretary of the Grand Jury shall make out a List of the Persons so chosen at each District Sessions, and shall read out the same previous to the Appointment of the Chairman for the Presentment Sessions for the County at large; and the Person so chosen shall together with the Justices as aforesaid form the Presentment Sessions for the County at large.

Two Cess-payers selected at Baronial Sessions, shall, with Justices, constitute Presentment Sessions for County at large.

LXXIV. And be it enacted, That all Applications for Works the Expence whereof it may be by such Application proposed to levy off the County at large shall be made at the Presentment Sessions to be holden for the County at large, and all Applications for Works the Expence whereof may be proposed as aforesaid to levy off any Barony shall be made at such Presentment Sessions as shall be holden for such Barony: Provided always, that all Applications for the Works herein-after mentioned shall 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 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 for the Support of or to prevent any steep Banks of Earth from falling upon any such Road, or in erecting any Fence, Railing, or

Applications for Presentments.

Wall

Wall for the Protection of Travellers from dangerous Precipices or Holes lying on the Side of any public Road, or for maintaining any Dispensary.

Presentments to be made in Barony in which larger Part of the Work is situate.

LXXV. And be it enacted, That the Applications for any new Works which it is proposed to charge upon Two or more Baronies in different Presentment Sessions Districts of the said 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 shall be lodged with Secretary Twenty-one Days before Presentment Sessions.

LXXVI. And be it enacted, That every Application to be made at Presentment Sessions shall be lodged with the Secretary of the Grand Jury Twenty-one Days at least before the Day appointed for the holding of the first Presentment Sessions in such County next before each Presenting Term; 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, endorse or cause to be endorsed 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 cause the same to be printed and distributed, and a Copy thereof posted in each District; 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 shall have an Abstract and Index printed, and posted in District.

District Surveyor may make Application at Sessions for necessary Works not otherwise applied for.

LXXVII. And be it enacted, That the District 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 for keeping up any public Road or Footpath during the ensuing Year, or for the keeping open of any Drain adjoining any public Road, or any other public Work which to the said Surveyor shall appear necessary, or likely to become necessary during the ensuing Year, 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 at large 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 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.

Manner and Form of Application.

LXXVIII. And be it enacted, That every Application to Presentment Sessions for any Presentment other than a public Work shall be made by or on behalf of the Person or Persons requiring
such

such Presentment; and every Application to any such Sessions for any public Work shall be made by Two Persons paying Grand Jury Cess who can read and write, or by the District Surveyor; and every Application to Presentment Sessions, whether for a public Work or any other Purpose whatsoever, shall set out the Title to the Act authorizing such Presentment, with the Year of the King's and Queen's Reign, Chapter and Section, as printed by Her 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 contained in the Schedule annexed to this Act, and marked Schedule No. 3., No. 4., No. 5., No. 6., and so forth, 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.

LXXIX. 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, where necessary, save in the Case of Applications herein-after otherwise provided for, direct the 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 the probable Cost of maintaining the same for at least One Year, and such other Particulars as said Justices and Cess-payers shall think fit; and such Chairman shall endorse all Applications accordingly, which shall be adopted and approved, and sign his Name thereto, and deliver all such Applications so endorsed to the Secretary of the Grand Jury; and such 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

Applications shall be considered and decided on at Sessions.

said

Adjournment
of Sessions.

said Justices and Cess-payers shall adjourn such Sessions until some Day not sooner than Twenty-one Days after the Fixing Day of the then ensuing Presenting Term.

Mode of pro-
ceeding if Ses-
sions refuse to
approve of
necessary Work.

LXXX. And be it enacted, That in case the Justices and Cess-payers (at any 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 the Court of Queen's Bench at the Presenting Term for the County, 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 Six Days before the first Day of such Presenting Term, 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 next Presenting Term for such Order, and such Notice shall be published at least Three Times before the first Day of such Presenting Term; and upon Proof that such Memorial and Notices were lodged and published as hereby required it shall be lawful for the Judges of the Court of Queen's Bench, or any of them, to cause a Jury to be impannelled 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 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, 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.

Sessions may
approve of
Contract for
Five Years.

LXXXI. 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, be it 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 Bridge 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 Five Years, for which it is expedient that a Contract should be made for that Purpose; and the Surveyor shall insert such Period in his Specification and Form of Tender for such Works.

In Cases of Ab-
sence or Death

LXXXII. And be it enacted, That in case any Person who shall have signed any Application in pursuance of this Act shall

lie, 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, or for the Grand Jury, 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.

LXXXIII. And be it enacted, That so soon as may be possible after the Presentment Sessions shall have been holden at all the Places and Times appointed therefor in such 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, 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 Presenting Term immediately preceding; and the said Secretary shall deliver a Copy of such Schedules to the High Sheriff of the County for the Time being, and to each 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 printed Applications, with any Specifications, Maps, Plans, Sections, or Elevations of the Works to which such Application shall relate, which shall have been prepared by the Surveyor, annexed thereto, to the Foreman of such Grand Jury, and shall also deliver another Copy of the said Schedules to the Judges of the Court of Queen's Bench; and the said Secretary shall keep another Copy of the said Schedules 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.

LXXXIV. And be it enacted, That the Grand Jury shall, upon being impanelled and sworn as aforesaid, forthwith proceed to transact in open Court all such Business relating to Presentments for raising Money, public Works, Contracts, or 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 to be prepared as aforesaid, beginning with the Applications for Works to be defrayed by the County at large, altering, where they may deem it necessary, the Amount or Time for executing each Work, 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 District Surveyors, and shall hear and receive, and direct to be read aloud in open Court, the several Reports and Certificates of any such Surveyor, and shall have

of Partymaking Application, Sessions shall decide.

Secretary shall have Schedules of approved Applications printed, and shall lay same before Grand Jury.

Grand Jury to consider and decide on all Applications, fixing Amount and Time for Execution of Works.

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 shall make Presentments for all Matters and Things hereby directed to be presented for, specifying, in all Presentments for County Works, the maximum Amount which shall be raised for the Execution of such Work, and whether such Amount is to be raised off the County at large, or off any Barony or Parish or other Denomination thereof, as the Case may be; and the said Grand Jury shall sit *de die in diem* until all the Business which may come before them of the Nature hereby described be despatched; and if the whole of such Business shall be concluded before the Day appointed for sitting the Presentments, then the said Grand Jury may adjourn to such Day; and every Grand Juror who shall not attend pursuant to such Adjournment may be fined by the Judge for such Non-attendance in any Sum not exceeding Ten Pounds, at the Discretion of the said Judge.

Grand Jury shall not make Presentments, unless on Application approved of at Sessions, except in Cases of sudden Damages, and in Cases otherwise provided for.

LXXXV. And be it enacted, That it shall not be lawful for any Grand Jury of the said County, 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 Applications 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, and to authorize and empower any of the District Surveyors to advertise for Contracts for the Execution of such Work, such Contracts to be laid before the next District Sessions, or to execute such Works and account for the Execution to the Finance Committee, as to such Grand Jury shall seem fit; and the Finance Committee of the County shall, out of any Monies to their Credit 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.

Secretary shall have Abstracts of stated Presentments

LXXXVI. And be it enacted, That the Secretary of the Grand Jury shall, immediately after the sitting Day of each Presenting Term, upon being furnished by each Surveyor with the Specification

ation 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 Grand Jury 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 or elsewhere; and such Secretary shall accordingly cause to be printed and prepared 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 Three-pence, and also take such other Means as the Grand Jury shall direct for placing such Forms within reach of Persons who may have Occasion to use them; and each of such Tenders and Proposals shall be returned to him sealed or in an Envelope, and shall contain a 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 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 Surveyor shall be open to public Inspection in the Office of such Secretary, without Fee or Reward.

LXXXVII. 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 Surety 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, in the Form set forth for that Purpose in the Schedule No. 13., such Proposal shall be accepted, and the Party making the same shall be declared entitled to execute the Work to which such

printed, and Tenders for Contracts advertised for.

Tenders shall be delivered in sealed Envelopes.

At adjourned Sessions Tenders shall be opened and dealt with.

Proposal may refer, unless there shall appear some Reason for rejecting it; 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, or if the Presentment Sessions shall see Cause to reject it, 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 till 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 such Proposals, or if no Proposal or Tender shall be approved of by the Presentment Sessions, it shall and may be lawful for the said Presentment Sessions, if they think proper, to give such Work in charge to the District Surveyor, with Power to expend a Sum not exceeding the Maximum fixed as aforesaid; and such Surveyor shall cause such Work to be executed, and shall account for the Execution thereof to the Finance Committee in manner herein-after directed.

If no Tender or Proposal approved of by Sessions, Work may be given in charge to District Surveyor.

Form of Security.

LXXXVIII. 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 Her Majesty, Her Heirs and Successors, and of like Force, Validity, and Effect as other Recognizances made to the Queen's Majesty; and at such adjourned Presentment Sessions any Justices present, or the Chairman, are and 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 Sixpence, shall be defrayed by the Party or Parties entering thereinto; 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 Contractor or Contractors therein named, or to any Person by him or them duly authorized, to be cancelled.

Secretary shall keep Book with Particulars of Contract.

LXXXIX. And be it enacted, That the Secretary of the Grand Jury shall have Charge of all such Contracts as aforesaid, and shall provide and keep a Book in which he shall insert an Abstract of all such Contracts, 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.

XC. And

XC. And be it enacted, That it shall be lawful for the Grand Jury at each Presenting Term and they are hereby required to appoint a Finance Committee, consisting of not more than Twelve nor fewer than Seven Persons, Residents within the County or City of *Dublin*, and being Occupiers or Owners of Lands or Houses within the County of the Value of Fifty Pounds at the least; and such Persons shall constitute the Finance Committee of the County, and shall have full Power and Authority to do, execute, and perform all such Matters and Things as the Finance Committee are by this Act authorized to do; and in default of the Grand Jury at any Presenting Term so appointing a Finance Committee it shall and may be lawful to and for the Judges of the Court of Queen's Bench and they are hereby required to make such Appointment.

Mode of Payment.

Grand Jury shall appoint Finance Committee.

XCI. And be it enacted, That the Finance Committee of the said County shall hold their first Meeting at such Time and Place as shall be appointed by the Grand Jury, whereof public Notice shall be given in such Manner as shall be directed by the said Grand Jury, and shall meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require; and at all Meetings Three Members shall constitute a Quorum; and one of the Members present shall be appointed Chairman, and shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject such Chairman shall have an additional or casting Vote; and the Secretary of the Grand Jury shall attend the Meetings of the Finance Committee, and shall act as their Secretary, and make Minutes of their Proceedings, and render them such Assistance from Time to Time as they may direct.

Meetings of Finance Committee.

Three a Quorum.

XCII. And be it enacted, That the Justices and associated Ratepayers at each adjourned District Presentment Sessions shall appoint Two fit and proper Persons to act as Road Wardens for such District until the next adjourned District Presentment Sessions, or until others shall be appointed for such District; and it shall be the Business and Duty of such Road Wardens, within their respective Districts, to examine into and report upon the State of the Roads and other County Works, whether in progress of Repair or otherwise, to the Presentment Sessions, to the Grand Jury, and the Finance Committee, and to abate Nuisances, and prosecute Persons guilty of any Offence against this Act.

District Sessions shall appoint Road Wardens.

XCIII. And be it enacted, That immediately before the closing of each adjourned Presentment Sessions, whether for any District or for the County at large, the Secretary of the Grand Jury shall prepare a List of the Sums payable to each Contractor, with a Statement of the Nature of the Contracts entered into at such Sessions, and setting forth likewise the Amount which any District Surveyor may be authorized at such Sessions to expend upon any Road or Work, and the Chairman shall certify the Accuracy of the same by his Signature; and such Lists so certified shall be laid before the Finance Committee at their first Meeting, and a Copy thereof shall be entered on the Minutes, together with a Copy of all other Presentments made by the Grand Jury, and filed by the Court, under the Authority of this or any other Act, and of the Names of the Persons in whose Favour such Presentments may have been made; and it shall be lawful for the Finance

Chairman of each adjourned Presentment Sessions shall certify Amount payable to each Contractor or other Person.

Committee from Time to Time, and as the Funds of the County admit, to make Orders for the Payment of all Persons entitled to Payment under Presentments of the Grand Jury made by the Authority of this or any other Act; and every Order shall be signed by the Chairman for the Time being of the Finance Committee, and Two other Members thereof, and countersigned by the Secretary of the Grand Jury, and by him delivered to the Person entitled to the same.

Contractors desirous of Payment shall give Notice to District Surveyor and Road Warden.

XCIV. And be it enacted, That any Person who may contract for the Execution of any Work under this Act shall on the Completion of such Work, or whensoever by the Terms of such Contract he may be entitled to Payment, give Notice, in Form Schedule No. 11. or 12., as the Case may be, to the District Surveyor, and also to one of the Road Wardens, Fifteen Days at the least before the Day appointed for the next Meeting of the Finance Committee, of his Intention to make Application for Payment, and to require such District Surveyor or Road Warden to examine and report upon the Execution of such Work or Performance of such Contract; and such Contractor shall also lodge with the Secretary of the Grand Jury, Fifteen Days at least before the next Meeting of the Finance Committee, a similar Notice of his Intention to apply for Payment; and the Secretary of the Grand Jury shall arrange all such Notices, 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 is hereby directed to keep, and endorse on such Notice the Date of the Lodgment of the same; and such Secretary shall lay all such Notices before the Finance Committee, who shall examine into all such Applications for Payment, and inspect the Notices and Certificates, and examine the District Surveyor or Road Warden, 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, which Examination may be upon Oath in Cases in which the Finance Committee deem it necessary or advisable; and the Chairman of the Finance Committee is hereby authorized to administer the Oath; and the said Finance Committee, upon being satisfied that the Party so applying is justly entitled to Payment, may give an Order for the Payment of the whole or such Portion of the Sum in consideration whereof the Contract may have been made as they shall deem just and right.

Finance Committee, on being satisfied as to Execution of Work, may give Order for Payment.

If Finance Committee refuse Payment, Contractor may appeal.

XCV. And be it enacted, That if at any Time the Finance Committee shall refuse to order Payment to the Contractor according to the Terms of his Contract, or to any other Person engaged in the Execution of any County Work under the Authority of this Act, and who on the due Execution thereof would be entitled to such Payment, they shall set forth the Grounds of such Refusal; and if such Contractor or other Person shall feel himself aggrieved thereby it shall be lawful for such Person to present a Memorial to the Judges of the Court of Queen's Bench at the next *Easter* or *Michaelmas* Term, stating the Terms of his Contract or the Circumstances of his Case, and the Refusal by such Finance Committee to order Payment, and praying that the Judges may direct the Grand Jury to cause Inquiry to be made into the Facts stated in

in such Memorial; and such Memorial shall be lodged with the Secretary of the Grand Jury at least One Month before the First Day of such Term; and such Secretary shall make known the same to the Finance Committee; and upon Proof that such Memorial was so lodged it shall be lawful for the Judges of the Court of Queen's Bench, if they shall see Reason so to do, to cause a Jury to be impannelled to try and inquire whether or not such Sum was rightly due to such Contractor according to the Terms of his Contract; and if the Jury shall find in the Affirmative it shall be lawful for the Judges of the Court of Queen's Bench to order the Payment of such Sum, not exceeding the Amount of the Contract, as to them shall seem just and proper; and it shall be lawful for the Finance Committee, at their next Meeting, and they are hereby required, on a Copy of the Order for such Payment being produced, to sign an Order for the Amount specified in such Presentment: Provided always, that no Memorial shall be proceeded upon, unless the Memorialists shall, at the Time of lodging such Memorial with the Secretary, deposit with him the Sum of Ten Pounds as a Security for such Costs and Expences as the Judges may direct to be paid thereout to any Person who may appear to oppose such Application, or any Witness summoned to attend on the hearing of the Application.

XCVI. And be it enacted, That at least Twenty-one Days previous to the Commencement of the Presenting Term in each Year a Special Meeting of the Finance Committee shall be called by the Secretary, for the Purpose of making up the County Accounts for the preceding Year; and a separate Account shall be kept and made out and Balance struck for each Barony, and a Statement shall be made of the Sums not paid on account of Presentments, and of the Amount not received on account of the Assessment upon each Barony; and the Finance Committee shall classify the Amounts paid by them during the Year, according to the Purposes for which the Payments were made; and the Accounts when made up shall be signed by the Chairman of the Finance Committee, and shall be laid before the Grand Jury on the first Day of the then ensuing Presenting Term; and such Accounts shall recite the Authority under which each Payment shall have been made, and a Copy or Abstract thereof shall be printed with the Abstract of Presentments; and it shall be lawful for the Grand Jury to present any Balance which after Examination of the Accounts may appear to be due by the County at large or any Barony, such Balance to be raised off the County at large or such Barony respectively: Provided always, that the Accounts of the Finance Committee shall be transmitted by the Secretary to the proper Office, and shall be examined and audited in the same Manner and subject to the same Regulations as the Accounts of County Treasurers, under and by virtue of an Act passed in the First Year of Her present Majesty's Reign, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in Ireland account for public Monies, and to secure the same.*

Finance Committee, Twenty-one Days before each Presenting Term, shall make up half-yearly County Accounts, and each Barony Account shall be kept separate.

7 W. 4. &
1 Vict. c. 54.

XCVII. And be it enacted, That the Clerk of the Crown for the said County of *Dublin* shall, within Fourteen Days after the expiring Day of each Presenting Term, deliver to the Secretary of the

Mode of raising County Rate.

Clerk of Crown, within Four-

teen Days after Fiat, shall make out List of Presentments.

the Grand Jury, without Fee or Reward, a Copy, attested upon Oath, and signed by himself, of all Presentments which have been made and filed at such Presenting Term, and likewise Copies of all Queries discharged and remaining undischarged, distinguishing the same; and the Secretary of the Grand Jury shall from such Copy forthwith make out an Estimate of the Amount to be raised in each Barony or Portion of a Barony or Parish in the County during the ensuing Year under the Authority of the baronial or local Presentments made during such Presenting Term, and to meet the probable baronial Expenditure during the ensuing Year, and also of the Amount to be raised upon each such Barony respectively to defray its Proportion of the general County Charges under the Authority of the Presentments upon the County at large made during such Term, and to meet the probable Expenditure on the County at large during the ensuing Year, and shall lay the same before the Finance Committee at their first Meeting; and the Finance Committee shall consider and revise such Estimate, and shall then declare and strike the Amount to be levied off each Barony and Parish or Denomination during the ensuing Year, as well on account of the Baronial Charges as upon account of Charges upon the County at large.

Finance Committee to ascertain Proportion to be raised off each Barony.

Until Valuation under 6 & 7 W. 4. shall be completed, Apportionment of baronial Charges shall be according to Poor Law Valuation.

XCVIII. 'And whereas a Valuation of the County of *Dublin* is now in progress under the Provisions of an Act passed in the Sixth and Seventh Year of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the several Acts for the uniform Valuation of Lands and Tenements in Ireland*; but it is necessary to make Provision for the Apportionment of the County Charges upon each Barony, and of the baronial Charges upon each Parish in the said County, 'until the Period when such Valuation shall be completed'; be it enacted, That for the Purpose of enabling the Finance Committee to make such Apportionment the Secretary of the Grand Jury shall obtain from the Clerks of the several Poor Law Unions, the whole or any Portion of which may be situate within the County of *Dublin*, a Return of the Amount of the last Valuation made by the Guardians of each Union respectively of every Parish and Townland within such Union which is situate in the said County of *Dublin*, which Return the Clerk of every such Union is hereby required to make, and to certify under his Hand to be correct; and the Amount set forth in such Certificate as the Value of every Parish or Townland shall be taken to be the Value of such Parish or Townland for the Applotment or Apportionment of the County Charges under this Act: Provided always, that nothing herein contained shall authorize or empower the Finance Committee to make or apportion the County Charges according to such Valuation for any longer Period than until the Survey and Valuation under the said Act, or any Act to amend the same, shall be completed, and a Copy thereof inserted in the *Dublin Gazette* as directed in said Acts; and that from and after the first Day of the Presenting Term next following such Publication all County Cess Charges whatsoever, and all Grand Jury Charges or Rates imposed or to be imposed on the said County of *Dublin* 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

imposed or to be imposed, or levied or to be levied, under the Authority of any Act or Acts, shall be assessed and levied off such County, and off every Barony, Parish, or Townland therein, according to the Proportions specified in such Act; any Law, Usage, or Custom, or any former Assessment or Valuation, to the contrary in anywise notwithstanding.

XCIX. And be it enacted, That the Finance Committee, having duly ascertained the Proportion of the County Charges to be raised upon each Barony, Parish, or Denomination according to such Valuation, shall issue their Warrant, under the Hand and Seal of the Chairman of the Committee, and countersigned by the Secretary of the Grand Jury, to the several Collectors, for levying and collecting the Sums to be raised off each Parish, which Warrant shall set forth the Amount to be raised off such Barony, Parish, or Denomination by virtue of the Presentments by the Grand Jury, with any uncollected Arrears of the last Warrant, and shall remain in force and effect for the Term of Two Years next after the Date thereof, notwithstanding the Death, Resignation, or Removal of the Person to whom it was addressed; and shall authorize any Collector for the Time being to execute the same, unless the Sums required by such Warrant to be levied shall have been received, or unless the Grand Jury shall have re-presented the same; and the Person to whom such Warrant is directed shall, within Ten Days after he has received the same, deliver or send to the Churchwardens of each Parish or Denomination of Land contained in such Warrant, or in case there be no Churchwarden of the same, then to any principal residing Inhabitant, a Transcript of the said Warrant, setting forth the Sum he is required to levy upon the said Parish or Denomination, and to desire that the 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 Parish or Denomination, a Notice signed by himself, setting forth that the Landholders and Householders of (here insert the Name of Parish, &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 Parish or Denomination by the Warrant of the Finance Committee of the County; and at such Meeting the Landholders and Householders then present shall choose Two or more Persons to be Apportioners; and the Persons so chosen shall, within Fourteen Days from the Time they shall be so chosen, apportion the Sum so to be levied upon such Parish, Townland, or Denomination, fairly and justly according to the relative annual Value of the several Lands, Tenements, and Houses therein contained, stating as accurately as they can the Name of the Occupier of each House or Tenement, 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 Apportioners shall deliver such Apportionment, so verified upon Oath,

Finance Committee shall issue Warrant to Collector for levying the Sums to be raised.

A Transcript to be sent to the Churchwardens.

A Meeting to be convened for appointing Apportioners.

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 Fourteen Days, the Sum of Twenty Shillings, to be recovered by Civil Bill by any Person who shall sue for the same; and the Collector, on receiving such full 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 Twenty Days after the Time fixed for the Appointment of the Applotters, then in such Case it shall be lawful for such Collector himself to applot the Sum required by the Warrant to be levied off such Parish or Denomination on the several Lands, Premises, and Houses therein, according to the best of his Judgment: Provided always, that no House shall be included in any such Applotment, or shall be liable to County Cess, the yearly Value of which shall not be at the least Five Pounds.

If no Applotment made within 20 Days, Collector shall himself applot.

Payment to Applotters and Clerk of Union.

C. And be it enacted, That it shall be lawful for the Finance Committee to pay to any Person or Persons who may so applot the Amount directed to be levied upon any Parish or Denomination a Sum not exceeding Twenty Shillings for each Parish or Denomination, on being satisfied that such Applotment was duly and accurately made, and also to pay to the Clerk of each Union such Sum, not exceeding Forty Shillings, as to such Finance Committee shall seem reasonable, for his Trouble in preparing the Valuation herein-before directed to be given to such Finance Committee.

Grand Jury Cess may be levied by Distress, or Collector may summon before Justices.

CL. And be it enacted, That every Person duly authorized to levy any Grand Jury Cess off any Barony, as soon as he shall have received or shall have made the Applotment of such Cess, shall forthwith proceed to collect and levy one Moiety thereof according to such Applotment, and the other Moiety thereof after Six Calendar Months from the Date of such Warrant; and each of such Moieties 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 Twelvepence 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 or cause to be left at the Dwelling House or usual Place of Residence 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 or Moiety 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 the 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 the 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 such Justice shall administer, and certify by endorsing 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.

CII. And be it enacted, That the Sum or Proportion of Grand Jury Cess to be raised off each Barony under the Warrant of the Finance Committee, and duly applotted for any Person to pay, shall be a Charge upon the Lands and Premises, Houses and Tenements, 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 Chairman of the Sessions of the County of *Dublin*, or 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 same resides.

CIII. And be it enacted, That every Person duly authorized to collect and levy the Grand Jury Cess aforesaid shall on or before the first Day of each Month, or so often as he shall have received One hundred Pounds, pay into the Bank of *Ireland*, to the Credit of the Finance Committee, the Sums he may have received up to such Period, and shall furnish to the Secretary of the Grand Jury an Account of the Sums so received, setting forth particularly any Sums received on Account of Arrears of Cess, and shall, at all Times when required so to do, exhibit to the Finance Committee any Books, Applotments, Accounts, or Vouchers which they may require; and any Collector receiving any Sums of Money, under colour of his Warrant, otherwise than according to the Applotment, or neglecting or refusing to furnish to the Finance Committee such Information, Accounts, and Vouchers as they may at any Time require, or not using due Diligence in the Collection of the County

Cess shall be paid by Person in occupation when Levy made.

Collectors shall pay into Bank the Sums received each Month, &c.

Collectors improperly collecting, or not using due Diligence, may be dismissed.

County Rate, may be suspended or dismissed from his Office by such Finance Committee; and immediately upon his Suspension or Dismissal he shall deliver up to the Secretary of the Grand Jury his Warrant, Applotment, and all other Papers, Accounts, or Documents of or belonging to his Office as Collector; and if any such Person shall refuse or neglect to deliver up such Warrant, Applotment, Papers, Accounts, and Documents, when required to deliver them by an Order of the Finance Committee, it shall be lawful for the Finance Committee to direct the Secretary of the Grand Jury to summon such Person before any Justice of the Peace for the said County, who may commit such Person to the County Gaol, there to be detained till such Documents be delivered up: Provided always, that no Collector shall be dismissed as aforesaid without a special Summons of the said Finance Committee by the Secretary of the Grand Jury, and that at such special Meeting not less than Five Members do constitute a Quorum.

Collector's Fees shall be added to Applotment.

CIV. And be it enacted, That it shall be lawful for the Finance Committee to add to the Amount of the Warrant issued by them in respect of each Barony the Amount of the Collector's Fees upon the Sums to be collected for such Barony, and the same shall be collected and paid into Bank by each Collector, together with the Sums presented by the Grand Jury; and when One Moiety of the Sum to be collected shall have been paid in it shall be lawful for the Finance Committee to give an Order for One Half the Amount of his Fees to the Collector having so paid in the Moiety of his Collection; and on the Finance Committee being duly satisfied of the Diligence and Assiduity of the Collector in completing his Collection as far as possible it shall be lawful for such Finance Committee to give an Order for the Fees due on the Balance of the Sum collected.

Notices, how to be promulgated.

CV. And be it enacted, That a Notice in Writing of every Application for any Work intended to be made at any Presentment Sessions holden under the Provisions of this Act, or for any Payment, shall be affixed, by or on behalf of the Person or Persons intending to make such Application, on or immediately adjacent to the Doors of every Police Station or Barrack within such Parish or Parishes wherein the Work to which such Applications shall relate is proposed to be executed, and at the Places (if any) appointed by the Grand Jury for posting Notices herein; and such Notices shall be so affixed at the Time by this Act directed; and a Copy of every such Notice shall be delivered to the Clerk of the Petty Sessions of the District where the Work for which such Application is intended to be made or the greater Portion thereof is to be performed; and the Notice of every such Application shall be delivered to the District Surveyor Ten Days before the Day appointed for holding Presentment Sessions previous to each Presenting Term: Provided always, that the Delivery of any such Notice to the baronial High Constable Fifteen Days before the Day appointed for holding such Sessions shall be deemed to be due Notice to the said Surveyor; and any baronial High Constable to whom any such Notice may be delivered shall transmit the same to the said Surveyor within Five Days after he shall have received the same; and it shall not be necessary to deliver any such Notice, other than the Application itself, to the Secretary of the Grand Jury.

CVI. And

CVI. And be it enacted, That the Secretary of the Grand Jury shall cause to be printed, immediately after the adjourned Presentment Sessions for the County at large, an Abstract Book of all Presentments made during the preceding Presenting Term, and also of all Contracts entered into at the adjourned Presentment Sessions, arranging such Presentment Sessions and Contracts under their respective Heads, distinguishing the Presentments upon each Barony, or in such Form as the Grand Jury shall direct, classifying imperative Presentments separately, and shall cause to be appended to said Book an Abstract of the Accounts of the Finance Committee, as laid before the Grand Jury at the preceding Presenting Term, and an Abstract also of the Applotment made by the Finance Committee for the ensuing Levy.

Secretary shall cause Abstracts of Presentments and Contracts to be printed, with Abstract of Accounts of Finance Committee, &c.

CVII. And be it enacted, That every Contractor for the Execution of any County Work under the Authority of this Act shall pay his Labourers or Artificers in Money, and at Intervals of not more than Twenty-one Days; and if any Contractor shall directly or indirectly pay any Labourer in Goods, or in any Manner otherwise than in Money, or shall directly or indirectly attempt to persuade or induce any Labourer in the Employment of such Contractor to take Goods in lieu of such Wages, or to expend his Wages in any particular Shop or for any particular Purpose, he shall be liable to be summoned before the Justices assembled at any Petty Sessions, on Complaint of the Party aggrieved, or any other Person, and such Justices are hereby authorized to hear such Complaint, and adjudicate thereon; and if such Contractor shall be convicted thereof he shall forfeit and pay such Sum not exceeding Five Pounds as to such Justices shall seem fit; and if any Contractor shall neglect to pay any Labourer in his Employment at Intervals of not more than Twenty-one Days all Wages that may be due to him, save and except the Earnings of One whole Week, he 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.

Contractor shall pay his Labourers in Money.

Penalty for paying or attempting to pay in Goods.

May be summoned for Wages.

CVIII. And be it enacted, That if in the Opinion of the District Surveyor or any Road Warden the Contractor for any County Work shall be guilty of Neglect or Inattention in the Performance of his Contract, it shall be lawful for such Surveyor or Road Warden to summon the said Contractor and his Sureties before the Justices at Petty Sessions of the District in which such Work may be situate; and if such Charge of Neglect or Inattention be established before such Justices it shall be lawful for them to make an Order directing the said Contractor and his Sureties to complete his Contract within a Period to be stated in such Order; and

Contractor neglecting Contract may, with his Sureties, be summoned before Petty Sessions.

and if at the Expiration of such Period the District Surveyor or Road Warden shall still see Reason for being dissatisfied with the Manner in which such Work has been executed, it shall be lawful for them again to summon the Contractor and his Sureties before the Justices at Petty Sessions, and the Justices shall thereupon proceed to inquire into and finally adjudicate upon the Complaint: and if it shall appear that such Work has been insufficiently executed, and contrary to the Terms of the Contract, it shall be lawful for such Justices having ascertained the Amount which it may require for the Completion of such Work according to the Contract, to authorize such Surveyor or Road Warden to complete the same, and to levy such Amount by Warrant of Distress upon the Goods of such Contractor or his Sureties.

Any Two Justices at Petty Sessions may order Sums not exceeding Twenty Pounds for Repair of sudden Damage to Bridge, or Ten Pounds to Road, &c.

CIX. And be it enacted, That any Two Justices of the Peace at Petty Sessions in the said 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 Presenting Term, without Prejudice to the Public; and it shall be lawful for such Justices to appoint a proper Person or Persons to repair the same; and the Grand Jury of the said County is hereby empowered to present, without previous Application at Presentment Sessions, at the next Presenting Term, 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 Road or Work herein directed to be repaired by any Barony to be levied on the Barony 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 District 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 Presenting Term and the Commencement of another.

Penalty for giving Money for any Appointment.

CX. And be it enacted, That if any Person shall, at any Time after the First Day of *January* One thousand eight hundred and forty-five, 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 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 to any Person who will sue for the same; and such Sum may be recovered by Civil Bill before the Chairman of *Kilmainham*, or by Action in any of the Superior Courts; and every Person appointed to any such Offices at any Time after the First Day of *January* One thousand eight hundred and forty-five shall, at the Presenting Term 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 Schedule No. 16. 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.

CXL And be it enacted, That nothing in this Act contained shall be construed to limit or affect the Powers, Duties, or Authorities 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 King *George* the Fourth, intituled *An Act for consolidating 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.

CXII And be it enacted, That it shall be lawful for any Grand Jury at any Presenting Term 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 or Barony to be raised and levied on such Denominations or Barony upon which the same was originally required by the Warrant of the Finance Committee 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 Collector or other Person empowered to receive or collect public Money who is or shall be insolvent, without Prejudice to the Liability of such Collector

Power reserved to make Presentment under Act.

7 G. 4. c. 74. Proviso.

Power to re-present Arrears as originally presented.

Collector or of his Sureties, 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 in arrear or so detained by any Collector or other Person empowered to collect or receive public Money shall be thereafter recovered, it shall be paid to the Credit of the Finance Committee; 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 to the Credit of the Finance Committee, 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 the Barony off which it was originally levied: Provided also, that before it shall be lawful for any Grand Jury to represent any Sum of Money as unpaid or in arrear out of any Barony or 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 Barony or Denomination respectively, and that it could not have been levied from the Persons or out of the Lands or Houses charged with or liable to pay the same.

Certain Arrears
now due and
Balances to be
re-presented by
Instalments.

CXIII. ' And whereas in the County of *Dublin* an Accumulation of insolvent Arrears of Grand Jury Cess has taken place, ' by reason of the Grand Jury thereof in certain Cases not having ' possessed any Power by Law to re-present for such Arrears, ' and in consequence thereof the County at large, and several of ' the Baronies therein have become largely indebted to the Public, ' and it is expedient that the Grand Jury should become em- ' powered to discharge such Debts respectively by Instalments; ' be it enacted, That within One Calendar Month after the First Day of *January* One thousand eight hundred and forty-five the Treasurer of the County shall transmit to the Chief or Under Secretary for *Ireland* a detailed Account of the Debt which shall be then due by the said County at large, together with the Causes of such Debts respectively having accrued, and shall certify the same to be true and correct in every Particular; and the Lord Lieutenant in Council shall thereupon cause an Inquiry and Examination to be made into the Items and Facts stated in such Account, and shall transmit to the Grand Jury, through the Chief or Under Secretary for *Ireland*, his or their Warrant, which shall state the Amount of the Debt (if any) which upon Inquiry shall appear to be due by such County at large, or Barony, and the Number of Instalments by which the same shall be paid; and it shall be lawful for such Grand Jury, and they are hereby required, at the Presenting Term at or next after which they shall have received such Warrant as aforesaid, to present, without previous Application at Presentment Session, for the first of such Instalments respectively, and so from Time to Time shall continue to present, according to the Exigency of the said Warrant,

until the whole of such Debt (stated therein) shall have been liquidated and paid off; and such Presentment shall be levied and accounted for in like Manner as any other Presentment under this Act.

CXIV. And be it enacted, That it shall be lawful for the Secretary of the said 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 Secretary 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 lodged by him to the Credit of the Finance Committee, 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 the Court of Queen's Bench, at the Presenting Term at which 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 Finance Committee shall from Time to Time pay such Premium.

County Buildings may be insured.

CXV. And whereas for the Purpose of diminishing the Expence to which many Counties in *Ireland* are at present subjected in keeping in repair short Lines of Roads which from Time to Time have been made by such Counties as Improvements upon old Lines of Turnpike Roads, it is expedient that the Trustees and Directors of Turnpike Roads and the Grand Juries of Counties in *Ireland* should in certain Cases and by mutual Agreement have a Power of exchanging such Roads or Portion of Roads; be it enacted, That from and after the First Day of *January* One thousand eight hundred and forty-five it shall be lawful for the Trustees and Directors of any Line of Turnpike Road, or any Five or more of them, in any Case wherein they may deem it expedient, to adopt as Part of such Line of Turnpike Road the Whole or any Part of any Road made and hitherto kept in repair by County Presentment, first having the Consent in Writing of the Grand Jury of the County through which such Road may pass at any Presenting Term, signifying that it will be for the Advantage of the Public that such Road or Portion of Road shall become a Part of such Line of Turnpike Road, in place of the old Turnpike Road or Portion of old Turnpike Road, as an Improvement upon which such new Line of Road may have been made by such County as aforesaid; and from and after the last Day of the Presenting Term or Assizes in which such Consent shall have been signed such Road or Portion of Road so theretofore made and repaired by Presentment shall to all Intents and Purposes be deemed to form and shall form a Part of such Turnpike Road; and the Trustees and Directors of such Line of Turnpike Road shall have the same Powers with respect to such Road or Portion of Road so adopted by them as they had by Law over the Portion of old Turnpike Road so given up by them to the Grand Jury aforesaid: Provided always, that Notice of such Exchange of Road, signed by the Trustees and Directors

Grand Juries may exchange short Lines with Trustees of Turnpike Trusts.

of the Turnpike Road on the one Part, and the Foreman of such Grand Jury on the other Part, shall be published in the *Dublin Gazette*, and One or more of the *Dublin Newspapers*, as soon as may be after the signing of such Exchange as aforesaid.

No Toll on
Turnpike Roads
for travelling
less than 100
Yards.

CXVI. And be it enacted, That it shall not be lawful for the Trustees of any Turnpike Road, or the Collectors of any Turnpike Toll Gate, to enforce Payment of any Toll for any Horse or other Animal passing through the said Gate, unless the same shall have travelled more than One hundred Yards on the said Road on the same Day.

Expences of
repairing Road
from Dublin to
Blackrock to
be raised, One
Third on City,
One Third on
Barony of Rath-
down, and One
Third on Ba-
rony of Dublin.
5 & 6 Vict. c. 96.

CXVII. ' And whereas that Part of the Road from the City of *Dublin* to *Kingstown* and *Bray*, commencing at the Bridge usually called *Macartney's Bridge*, in the City of *Dublin*, and ending at the Cross of the *Blackrock*, was situate within the City of *Dublin*, and was repaired by Presentment of the Grand Jury of the said City, until the passing of an Act of the Fifth and Sixth Years of Her Majesty's Reign, intituled *An Act to alter the Number and define the Boundaries of the several Baronies of the County of Dublin*, whereby the District through which the said Road passed was made and constituted a separate Barony in the County of *Dublin*, by the Name of the Barony of *Dublin*: ' And whereas from the great Traffic on the said Road it requires frequent and expensive Repairs, the Cost of which, the Barony of *Dublin* being of small Extent and Value, would prove burdensome upon the Inhabitants thereof: And whereas a great Portion of the said Road is bounded on one Side by the Barony of *Rathdown*, and it is just and reasonable that the Inhabitants of the City of *Dublin* and the Inhabitants of the Barony of *Rathdown*, as well as those of the Barony of *Dublin*, should contribute towards the Repairs of the said Road; ' be it enacted, That it shall and may be lawful to and for the Grand Jury of the City of *Dublin* at any *Easter* Term, conjointly with the Grand Jury of the County of *Dublin*, to enter into a Contract with the Board of Public Works in *Ireland*, or any other Parties, for the Maintenance and Repair of the said Road for any Period not exceeding Five Years, and for such Term annually as shall be agreed upon between the said Grand Juries and the said Board of Works or Parties aforesaid; and that the Amount of such Contract shall be divided annually into Three Parts; and the Grand Jury of the said City of *Dublin* is hereby required to present at each *Easter* Term the One Third of such Amount to be raised annually during the Continuance of such Contract upon the City of *Dublin*, and the Grand Jury of the said County is hereby required to present at each Presenting Term for the County One Third of such Amount to be raised upon the Barony of *Rathdown*, and the remaining Third upon the Barony of *Dublin*, any thing herein or in any other Act contained to the contrary notwithstanding.

If Grand Jury
neglect, Com-
missioners of
Works to repair
Road, and
Grand Jury to
present Expence
thereof.

CXVIII. And if it should happen that at any *Easter* Term the Two Grand Juries should not agree as to the Estimate or Contract laid before them at such *Easter* Term, or that they should omit or neglect to present as aforesaid, be it further enacted, That it shall and may be lawful for the Lord Lieutenant in Council, upon a Requisition signed by the Foreman on behalf of either
Grand

Grand Juries, to make such Order to the Commissioners of Public Works for the Repair of all that Portion of said Road herein-before recited, and which shall be deemed necessary to be repaired by said Lord Lieutenant in Council; and that the Grand Jury of the County of *Dublin*, together with the Grand Jury of the City, are hereby required to present at each *Easter* Term any Sum or Sums so expended by said Commissioners of Public Works, according to the Proportions herein-before directed.

CXIX. And be it enacted, That during the Continuance of the said Contract or Contracts as aforesaid a Statement and Account of the actual Condition of the said Road, and of the Expenditure of all Monies received by Parties so contracting, shall be laid by the Commissioners of Public Works, (or by some Person acting on their Behalf, and authorized by them,) or by such other Parties contracting as aforesaid, before the united Grand Juries of the County of *Dublin* and County of the City of *Dublin*, upon some Day to be by them appointed in each *Easter* Term for that Purpose; and said Commissioners of Public Works, or some Person acting on their Behalf, or other Parties so contracting, shall attend before the said Grand Juries at each *Easter* Term, and give whatever Information they or either of them (the said Grand Jury) may deem necessary relative to such Statement and Account.

Parties contracting for Repairs of said Road to furnish Statement and Account, and to attend Grand Juries.

CXX. And be it 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 Commissioners of Her Majesty's Treasury, or any Three of them, shall from Time to Time think fit to direct and appoint.

Repayment of Money advanced out of Consolidated Fund.

CXXI. And be it enacted, That in case the Grand Jury at any Presenting Term 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 Presenting Term 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 or Finance Committee shall insert the Sum mentioned in such Order in the Warrant, and the same shall be apportioned, raised, and levied, and applied in like Manner to all Intents and Purposes, as if the same had been duly presented by such Grand Jury.

Court shall make Order if Grand Jury refuse.

CXXII. 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

Compensation for malicious Injury.

Notice to be given within Six Days to Churchwardens.

Application to be made to Sessions, and disposed of by Grand Jury.

other Building, or any Haggard, Corn, Hay, Straw, or Turf, or of maliciously setting fire to, burning, or sinking any Boat or Barge laden or unladen, or of maliciously killing, maiming, boughing, 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 or High Constable, then upon Two of the principal Inhabitants of the Parish wherein such Offence shall have been committed, 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 and 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 endorse their Opinion thereupon, and such Secretary shall deliver such Application so endorsed to the Grand Jury at the next Presenting Term; and the said Grand Jury shall 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.

Applications when to be made.

CXXIII. 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 Presentment Sessions which shall be holden next before the Presenting Term after the Commission of such Offence for the Barony 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 before the next Presenting Term, 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 for the Barony where such Offence shall have been committed before the Presenting Term which shall take place next after that following the Commission of such Offence, and the Notices of such Applications 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 Presenting Term next ensuing to the Presentment Sessions where Application shall have been made therefor.

CXXIV. 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 of the said Injury, unless prevented by Illness or other sufficient Cause, give in his, her, or their Examination, 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, 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.

Persons injured to give in Examinations within Three Days, and declare whether they know the Party committing the Damage.

CXXV. 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 Judges of the Court of Queen's Bench on the first Day of the next Presenting Term; and in case any Person paying Grand Jury Cess for the said County or any 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 Judges, if they shall so think fit, shall direct a Jury to be forthwith impannelled to try the Matter of such Presentment or Application respectively at Nisi Prius, and according as the Issue shall be found for or against such Cess-payer the Judges 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 Judges of the said Court shall direct the Grand Jury for the Time being 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 Judges 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 Judges are hereby empowered to direct and issue forthwith an Order or Orders in the Nature of an Execution against such last-mentioned Party or Parties respectively, which said Order or

When Presentment is opposed or Application disallowed Jury may be sworn to try the Matter.

Orders the Sheriff of such County is hereby required to execute in the same Manner as in Cases of Execution against the Chattels and Effects of Defendants.

No Presentment for Compensation to be removed by Certiorari, nor Traverse allowed, nor Action in Cases provided for.

CXXVI. 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 herein-before directed, shall be allowed or received to any 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 or heretofore in force in *Ireland* to the contrary notwithstanding.

Mode of obtaining Compensation for Injury committed near Boundary of the County.

CXXVII. Provided also, and be it 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 between the said County of *Dublin* and any One 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 Counties; and such Application, if made in the County of *Dublin*, shall be made in the Manner herein-before directed, but if in any other County in the Manner authorized and directed by any Act or Acts in reference to such County; 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, or at the Presenting Term for the County of *Dublin*, shall have Power and Authority to apportion the Amount of such Compensation amongst such Counties or any Baronies thereof, 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 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.

No Fees to be taken for such Presentments.

CXXVIII. And be it enacted, That no Fee shall be demanded from or paid by any such Cess-payer or Person applying to the Clerk of the Crown, Judges Crier, or Jury, for any Matter or Thing relating to any such Application, Presentment, or Trial.

CXXIX. And

CXXIX. And be it enacted, That it shall be lawful to and for the Justices of the Peace for the said County of *Dublin*, at the Quarter Sessions next after the First Day of *January* One thousand eight hundred and forty-five, and they are hereby required, to divide the said County into Two Coroners Districts, appropriating a certain Number of the Baronies to the one District and the Remainder to the other, and to allocate one of these Districts to each of the Coroners of the said County; and that hereafter whenever any Death attended with suspicious Circumstances shall occur, or any dead Body be found in any District, it shall be the Duty of the Sub-Inspector of the Constabulary, or Superintendent of Metropolitan Police, acting for the District in which such Death may take place, or in his Absence for the Head Constable or other Constable having charge of such District, to give immediate Notice thereof to the Coroner of the District in which such Death may have taken place, or said dead Body have been found, and if his Attendance cannot be obtained, then to the Coroner of the other District, in order that an Inquest may be held: Provided always, that no Inquest shall be held by any Coroner in any District other than his own, except during the Absence or Illness of the Coroner of such other District, or during the Vacancy of such Officer.

Justices at Quarter Sessions shall divide County into Two Coroners Districts.

In Cases of sudden Death, Sub-Inspector of Constabulary, &c. shall give Notice thereof to Coroner.

CXXX. And be it enacted, That the Head Constable of each District shall henceforth be *ex officio* an Inspector of Weights and Measures within such District, and shall possess and exercise all the Powers, Authorities, and Provisions which any Inspector of Weights and Measures may possess under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-three, and shall perform such Duties, under the Direction of the Magistrates at Petty Sessions, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within such District.

Head Constable shall be Inspector of Weights and Measures.

CXXXI. And be it enacted, That it shall be lawful for the Grand Jury of the County at each Presenting Term to appoint a Committee to superintend and have charge of each Court House belonging to the County, or rented for the Use thereof, and to authorize such Committee to expend a Sum not exceeding Forty Shillings in petty incidental Repairs which may become necessary in such Court House; and the Finance Committee, upon being satisfied as to its just Application, shall pay the same.

Committee may be appointed to superintend Court Houses.

CXXXII. And be it enacted, That from and after the First Day of *March* One thousand eight hundred and forty-five the Office of Treasurer of the County of *Dublin*, and also the Office of Inspector of Accounts and Grand Jury Presentments in the said County of *Dublin*, shall cease and be abolished.

Offices of Inspector of Accounts, &c. abolished.

CXXXIII. And whereas the said Office of Treasurer was created and has existed since the passing of an Act passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, for the Regulation of Presentments in the County of *Dublin*: And whereas it is just and reasonable that the present Officer, who has filled the said Office for a Period exceeding Twenty Years, should have Compensation granted to him; be it enacted, That it shall and may be lawful for the said Officer to apply by Memorial to the Lords Commissioners of Her Majesty's Treasury for Compensation for the Loss of his Office,

Compensation to Officers.

which Memorial shall contain a Statement of the Number of Years during which he shall have acted as such Treasurer, and of the yearly Sum or Salary received by him for the last Ten Years respectively; and the said Lords Commissioners shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Lords Commissioners, shall be binding on all Parties; and the said Lords Commissioners shall and may in such Order direct that the said Compensation shall be paid to such Officer, in such yearly Sum for and during the Term of his natural Life, or in one gross Sum in lieu of all Demands upon the County, as to them shall seem just and reasonable, and that it shall and may be lawful for the Grand Jury of the said County, and they are hereby required, at each Presenting Term, without previous Application at Presentment Sessions, to present such Sum to the said Treasurer to be raised off the County at large: Provided always, that such yearly Payment may be at any Time commuted for a Principal Sum payable immediately or by Instalments, at such Rates as may be agreed upon between the said Officer and the Grand Jury of said County at any Presenting Term, and such Grand Jury may present such Sum accordingly.

Presentment
may be
traversed.

CXXXIV. And be it enacted, That it shall be lawful for any Person paying Grand Jury Cess for the County to traverse any Presentment made under this Act by the Grand Jury of such County, and also to object to the Application of any 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 Presenting Term 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 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 in respect of such Traverse, and Costs shall be paid by the Party against whom such Traverse shall be found: Provided always, that although there shall be Verdict against such Traverse, yet if the Court shall be of opinion that there was reasonable and probable Grounds for traversing such Presentments, or the Application of such Contractor, the Costs shall be paid by the Finance Committee from and out of the County Monies to their Credit; and the Grand Jury shall present the same without previous Application to Presentment Sessions: Provided also, 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 Presenting Term at which the Presentment shall be made.

Presentments
for new Roads,
&c. may be
traversed for
Damages.

CXXXV. 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 Presenting Term 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 Presenting Term, of the

the Amount of Damage intended to be claimed, which Traverse or Traverses shall be tried then or at the ensuing Presenting Term, 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 Secretary of the County, it shall be lawful for the Contractor to proceed in the Execution of the Presentment without the Interruption of any Person.

CXXXVI. And be it enacted, That every District 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 agreed upon between the Parties, or assessed by Three Appraisers, which Appraisers shall view the Ground immediately previous and immediately after such Damages shall be committed, one of such Appraisers 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 an Appraiser on his Part, then one shall be named for him by such Justice; and such Three Appraisers 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 or Gravel Pits *bonâ fide* demised, with Liberty to work the same;

Contractor and Surveyors may take Materials for Roads, &c.

Damage to be assessed by Three Appraisers.

same; and the Amount of the Damage to be awarded shall be paid to the Owner or Occupier of the Ground as awarded, and One Shilling each to the Appraisers, within One Week after the Award, and in default of Payment may be recovered in Summons before any Justices at Petty Sessions: Provided always, 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 Two Justices of the Peace at Petty Sessions, which Order such Justices are hereby authorized and required to grant, on its being proved to their Satisfaction that the Gravel, Stones, or other Materials sought cannot be conveniently procured elsewhere, nor such Drain otherwise sufficiently made or cleansed.

Materials not to be taken to Injury of Road or Building.

CXXXVII. 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.

Nuisances and Penalties.

Regulation of Drivers.

CXXXVIII. 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 in the said County, shall keep their Left-hand Side of the Road or Street in going or 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 Side of such Persons; and on every Cart, Car, or other Carriage without Springs on any Road upon which Her 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, Mule, or Ass 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 ex-

ceeding 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 Dispensary of the District, or such other charitable Purpose as the Justices shall direct; 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 Damages which shall happen in consequence of any such Neglect or Default as aforesaid.

CXXXIX. And be it enacted, That no House or Part of a House shall be built within Twenty Feet of the Centre of any Road, or within Ten Feet of the Side thereof (except in the Streets of Corporation or Market Towns, or except where a House now stands), and that if any Person shall offend herein every such Person shall, upon Conviction before any Justice of the Peace, forfeit and pay a Sum not exceeding Ten Pounds, and a further Sum not exceeding Ten Shillings for every Week after such Conviction, until the same shall be pulled down or removed; and no Windmill shall be built within Two hundred Feet, and no Limekiln 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 Sub-Inspector or Head or 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.

CXL. 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 District Surveyor or a Road Warden, or if any Owner or Occupier shall omit to scour any Ditch or Drain leading from any public Road, so as to give full Liberty to the Water to pass away, within Ten Days after Notice shall be given to him or her so to do by such Surveyor or a Road Warden or any Justice of the Peace, or shall permit or suffer the free Passage of the Water to be obstructed by making or having any Way or Passage from any Road into the Lands adjoining, or to his or her House, without a sufficient Pipe, Sewer, or Gullet underneath; or shall ride or drive any Horse, Beast, or other Cattle, or any Cart or Carriage, willingly or unnecessarily, on or against any Footpath; or shall wilfully cross, so as to prevent any other Person passing him, or shall drive furiously, so as to endanger Passengers on any public Road; or shall steep or dry any Flax, or burn any Bricks or Lime, or any Weeds or Vegetables

No House to be built within Twenty Feet of Centre of Road.

What deemed to be the Centre of the Road.

Persons who scour or fill up Ditches on Sides of Roads without Consent of Surveyor or Road Warden, or Occupiers omitting to scour their Ditches, &c. for Water to pass through after Notice, or Persons committing Nuisances herein described, liable to Penalty.

tables for Ashes, or permit the same so to be steeped, dried, or burned, on his or her Land, within One hundred Feet of the Centre of any public Road; or shall light any Fire, or shall cut any Turf, or make any Turf Stacks on any public Road, or within Forty Feet of the Centre of the same; or shall build any Wall, or make any Ditch, or dig any Pit or Hollow, on any public Road, within Thirty Feet of the Centre thereof, or within Fifteen Feet of the Side thereof, unless by Authority of any Presentment; or shall lay or cause to be laid any Dirt, Dung, Turf, Straw, Rubbish, or Scouring of any Ditches or Drains, or any Stones, Bricks, Timber, Sand, Clay, or Lime, on any public Road, or within Thirty Feet from the Centre of such Road, or shall suffer same to be laid in any County Road opposite to his Land; or shall leave on any public Road, or permit to be left on the same, opposite to or near his or her House or Offices, any Plough or Harrow, or any Cart or 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 One hundred Feet of the Centre of any public Road; or shall spread any Clothes for drying on the Side of any Road; or shall slaughter any Beast, or leave any dead Beast, on any Road; or skin or permit to be skinned the Carcase of any Beast on any public Road, or within One hundred Feet of the Centre thereof, unless in a House or Yard enclosed with Walls; or shall hoop, cleanse, fire, or scald any Cask, or bind any Cart or Car Wheels, or shall beat any Flax, or winnow any Corn, or erect any May-pole, May-bush, or Sign-post, on any Road; or shall make or assist in making any Fire or Fires commonly called Bonfires, or shall wantonly set off and throw any Squib, Rocket, or other Fire-work, within Eighty Feet of the Centre of any Road; or shall bait any Bull, or play at Foot-ball, Hurling, or any other Game or Games, upon any Road or the Sides thereof, or fly any Paper Kite to the Annoyance of Passengers; or shall keep any Cur, Mongrel, Mastiff, or Bull-dog, or other dangerous Dog, without having such Dog muzzled, or a Block of Wood, of sufficient Weight to prevent such Dog being dangerous, fastened to the Neck of every such Dog, at any House within Fifty Yards of any public Road; or shall leave or suffer any Horse or Goat, Swine or other Animal, his Property, to feed or wander on any Road; or shall, without the Consent of the District Surveyor or a Road Warden, scrap any public Road, or cut any Sods of Turf on the Side of any such Road, or take away any Earth, Clay, Scrapings, Stones, or Gravel therefrom; or make any Drain, Gutter, Sink, or Watercourse across, or otherwise break up or upon the Surface of any Road or Footpath; or shall load or drive any Car or Carriage with Timber, Boards, or Iron laid across, so as that either End may project more than Thirty Inches beyond the Wheels and Sides of the Carriage; or shall draw any Timber or Millstone along any Part of a public Road without being supported by Wheels from touching the same; or shall neglect to cut or clip the Hedges at the Side of any public Road at a Height not exceeding Five Feet, Timber Trees therein excepted, within Ten Days after being noticed so to do by any Justice of the Peace for the said County, District Surveyor.

or Road Warden, provided that no such Notice shall be given from the First Day of *April* to the First Day of *September*; or, being a Blacksmith, and having a Shop or Forge with a Window fronting any Road, shall neglect, after it becomes Twilight, to bar and prevent Light from such Shop shining into such Road; every Person so offending shall, upon Conviction by the Oath of One credible Witness before any Justice of the Peace within his Jurisdiction, or upon the View of any such Justice, forfeit a Sum not exceeding Ten Shillings for every such Offence; and it shall be lawful for such Justice, by Warrant under his Hand and Seal, to empower such District Surveyor or Road Warden 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 as aforesaid; and to scour or deepen any Drain or Ditch, or remove any Way or Passage leading 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 to remove any Brick or Lime Kilns, Weeds or Vegetables for making Ashes, which shall be burning, or any Flax which shall be steeped or drying, within One hundred Feet of the Centre of any public Road; 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 have removed the Carcase of any dead Beast which shall remain in or near any public Road contrary to this Act; and to have every such Hedge effectually clipped and cut, Timber Trees alone excepted; 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 wherein such Way, Passage, or Drain shall be, 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.

CXLI. And be it enacted, That all Dirt, Dung, Turf, Straw, Rubbish, and Scouring, and all Clay, Stones, Bricks, Sand, or Lime which shall be laid on any public Road, or within Thirty Feet of the Centre thereof, without such Consent or Direction as aforesaid, shall be and is hereby declared to be forfeited; and it shall be lawful for any Person whatsoever, having obtained Permission from the Surveyor or a Road Warden, or One Justice of the Peace for the County, to take, carry away, and convert the same to his or her own Use, as also all Corn which shall be laid on any public Road for the Purpose of being winnowed, or shall be winnowing thereon, or remain there after having been winnowed thereon, together with the Sacks or winnowing Cloths whereon the same may happen to be, and all Flax which shall be beating on any public Road, or to be laid there for the Purpose of being beaten, and any May-bush or May-pole which shall be erected on any public Road, without the Let, Suit, Trouble, or Hindrance of any Person whatsoever.

CXLII. And be it enacted, That for every Cart-load of Dung, Rubbish, or Scouring which shall have been laid on any public Road, or within Thirty Feet of the Centre thereof, contrary to the Provisions of this Act, and which shall be drawn away by the Directions

Dung, &c. on public Road may be taken away by any one having Permission of the Surveyor.

Forfeiture for laying Rubbish on Roads.

Directions of any Magistrate, District Surveyor, or Road Warden after having remained there for Twenty-four Hours, the Person by whom or by whose Order the same was laid there, or who shall be liable to Penalty for the same being laid there, upon Conviction before any Justice of the Peace within his Jurisdiction, by the Oath of One credible Witness, shall forfeit not exceeding Two Shillings and Sixpence for every Day the same shall have remained there; and it shall be lawful for any Justice of the Peace within his Jurisdiction to issue his Warrant to order any dangerous Dog which shall be kept near any public Road contrary to the Provisions of this Act to be killed, and the District Surveyor or Road Wardens and Constables within their respective Jurisdictions may seize or kill any such Dog.

Justices may issue Warrant for killing dangerous Dogs.

Cattle found straying on Road may be impounded where Owner is unknown;

CXLIII. And be it enacted, That it shall be lawful for any Constable or other Person to seize and impound, or cause to be seized and impounded, any Horse, Mule, Ass, Bull, Cow, Sheep, Goat, Swine, or Beast which shall be found wandering or feeding upon any public Road, the Owner whereof is unknown, except in such Parts of any Road as lead or pass through or over any Commons or waste or uninclosed Ground, or about the Streets or Passages of any Town, and to make Complaint to any Justice of the Peace; and in case the Owner thereof shall not be discovered within Seven Days it shall be lawful for such Justices to cause such Swine or Beast to be sold, and out of the Money arising from the Sale thereof to pay a Penalty not exceeding Two Shillings, and Expences of impounding, keeping, and selling the same, rendering the Overplus, if any, to the Owner, Notice of such Sale, in which shall be inserted the Name of the Parish and Townland where such Swine or Beast was seized, being first posted up in some conspicuous Place in the Parish where seized, and at the Place where impounded, Three Days at the least before the Time of Sale; and that it shall be lawful for any Justice, Peace Officer, Constable, Surveyor, or Road Warden within their respective Jurisdictions to cause Notice in Writing to be served upon or left at the Dwelling House or usual Place of Abode of any Person, or upon the Occupier of any House or Land, in any of the Streets or Passages of any City, Town Corporate, or Market Town, who shall lay in any such Street or Passage any Dirt, Dung, Turf, Rubbish, Stones, Bricks, Timber, Sand, Clay, Lime, or other Nuisance, or shall leave any dead Beast or Skin, or permit to be left or skinned the Carcase of any Beast, or shall erect or suffer to be erected any May-pole, May-bush, or Sign-post, or shall dig or leave open any Pit or Hole, or suffer any such to be dug or left open, or shall keep any Dog without being muzzled, or having a Block of Wood of sufficient Weight fastened to the Neck of such Dog, to remove or abate such Nuisance; and if such Person shall neglect to remove or abate any such Nuisance for Forty-eight Hours after such Notice shall have been served or left as aforesaid it shall be lawful for such Justice, Officer, Constable, or Surveyor or Road Warden as aforesaid to remove such Nuisance, and apply the same to his own Use, and to fill up such Pit or Hole; and every Person who shall be convicted of such Neglect, on the Oath of One credible Witness, before any Justice of the Peace of the County at Petty Sessions, or Chief Magistrate of the Town where the Offence

and Nuisances may be abated.

Offence shall be committed, shall for every such Offence forfeit and pay a Sum not exceeding Ten Shillings, to be applied in aid of the Dispensary of the District, or such other charitable Purpose as the Justice shall direct.

CXLIV. Provided always, and be it enacted, That nothing herein-before contained shall render any District 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.

Contractor, &c. not liable to Penalty, except as herein.

CXLV. And be it enacted, That if any District Surveyor or Contractor for the repairing of any public Road in the said County shall think that any Obstruction is caused in any public Road by any Trees, so as to occasion Danger to the Public, 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 Trees are growing, to cause 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 Trees shall be 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 prune or lop such Trees, 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 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*.

Surveyor may require Occupiers to prune Trees; in default, may summon before Justices.

CXLVI. And be it enacted, That if any Person shall wilfully prevent, assault, or threaten to assault any Surveyor, Contractor, Collector, or other County Officer 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,

Penalty on Persons obstructing Surveyors or Contractors, or injuring County Works.

Road, or if any Person shall wilfully destroy, pull up, deface, or injure any Surveyor's 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, Gaol, 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 Secretary of the County, 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 Chairman of *Kilmainham*; and in every such Proceeding the Property so injured or destroyed shall for the Purpose of such Proceeding be deemed to be the Property of such Secretary.

Constables, &c.
shall report
Nuisances.

CXLVII. And be it enacted, That every Sub-Inspector, Head Constable, and other Constable shall and he is hereby required to report all such Nuisances as shall occur within his District to the Magistrate or Magistrates at Petty Session next to be holden in and for the said District, who shall hear and decide, and punish by Fine or otherwise as herein-before directed.

No Stamp Duty
upon Contracts,
&c. under Act.

CXLVIII. 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, or any Receipt given by any Collector under 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 Securities for such Sum, or for Damages for the Breach of any such Contract, by Civil Bill before the Chairman of *Kilmainham*; and the said Chairman 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 Chairman.

Proceedings for
Breach of Con-
tract.

CXLIX. And

CXLIX. 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, when the Justice convicting shall so direct, and the other Half, or the whole if not awarded to the Informer, 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.

Application thereof.

CL. 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 any Irregularity.

CLI. 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 of any Distress on the acting Finance Committee and Justice's 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 the 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.

CLII. 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

Justices not to take Money for Affidavits.

Application to Presentment Sessions, to make such Presentments for defraying the Prosecution of such Delinquent as to them may seem fitting and expedient.

Money to be in present Currency. Schedules Part of Act.

CLIII. 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.

Notices not to be impeached on technical Grounds.

Form of Conviction.

CLIV. And for the more easy and speedy Conviction of Offenders against this Act, be it enacted, That any Justice or 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, or in any Form of Words to the same Effect, as the Case shall happen:

' **B**E it remembered, That on the Day of
' in the Year of our Lord A. B. is convicted by
' and before of Her Majesty's Justices of the
' Peace for the County of *Dublin*, for that the said
' [*here insert the Offence, and the Time and Place when and*
' *where the same was committed,*] contrary to the Statute made in
' the Year of the Reign of Her Majesty Queen
' *Victoria*, intituled *An Act* [*here set forth the Title of the Act*];
' and I the said Justice [*or we the said Justices*] do hereby ad-
' judge and determine that the said shall for his said
' Offence forfeit and pay the Sum of lawful Money
' of *Ireland*, and do order that the same shall be forthwith paid
' by him [*here direct the Payment according to the Act*]. Given
' under my Hand and Seal [*or our Hands and Seals*], this Day
' and Year first above mentioned.'

Limitation of Actions.

CLV. And be it enacted, That no Action shall be commenced against any Person or Persons for any thing done in pursuance of this Act after Six Calendar Months next after the Fact committed, nor unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of sufficient Amends hath 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 every such Action shall be laid and tried in the County of *Dublin*, and not elsewhere; and if any such Action shall be brought before Twenty-one Days Notice shall have been given thereof as aforesaid, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought

in any other County than as aforesaid, then and in such Case the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions after the Defendant or Defendants shall have applied, or if upon Demurrer Judgment shall be given for the Plaintiff, then and in that Case the Defendant shall recover Double Costs, and shall have the like Remedy for the Recovery thereof as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

CLVI. And be it enacted, That in the Construction of this Act the Words "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 the Words "County of Dublin, and any Barony thereof," shall be construed with reference to and as the Boundaries thereof are defined in an Act passed in the Fifth and Sixth Year of Her Majesty's Reign, intituled *An Act to alter the Number and define the Boundaries of the several Baronies in the County of Dublin*; and every Half Barony shall be considered and deemed a Barony; and the Word "Park" or "House" to include and be construed to mean a Court-yard, Garden, or Orchard; and the Words "Stipendiary Magistrate" shall include a Justice or Magistrate of Police; and the Word "Petty Sessions" shall be deemed or taken to include a Police Divisional Office; 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.

Interpretation
of Act.

5 & 6 Vict. c. 96.

CLVII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and forty-five, except where any other Commencement or any other Act or Thing is specially directed or authorized: 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, any thing herein to the contrary notwithstanding: 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.

Commence-
ment of Act.

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

Act may be
amended, &c.

SCHEDULES to which the foregoing Act refers.

SCHEDULE No. 1.

Declaration of Justices.

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 of Dublin, 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 Her Majesty Queen Victoria, 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 No. 2.

Declaration of associated Cess-payers.

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 Her Majesty Queen Victoria, 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 No. 3.

Form of Application for making a new Line of Road.

County of } WE of and of
 } do certify, That in our Opinion it would be useful to make a new Line of Road from to between and and that such new Line of Road is Perches in Length, and that said Perches are in the Townland [or Townlands] of in the Barony [or Baronies] of in this County; and we propose that Presentment for such Purpose be made under and by virtue of Section of the Chapter of [here set out the Title of this Act]; and that the Expence of the same shall not exceed Pounds, and shall be defrayed by the County at large [or Barony or Half Barony or Baronies of].

(Signed)

A.B.
C.D.

SCHEDULE No. 4.

Form of Application for the Repairs of Roads.

County of } WE of and of
 } do certify, That we have lately viewed
 and measured } Perches of the Road from
 to between and and that
 the said Perches are in the Townland [*or Town-*
 lands] of between the Houses and Lands of A. and B.,
 all in the Barony of in this County; and that the same
 are in need of Repair, and will require Repair during the ensuing
 Year; and that we propose that the Expence of the aforesaid
 Repairs shall not exceed
 Pounds for the ensuing Year, 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 No. 5.

*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 Baronies*] 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 a 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 destroyed 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 No. 6.

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
 3 E 3

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.

SCHEDULE No. 7.

*Form of Application for Presentments to fill Grips or Trenches
 on the Sides of the Road, and making sufficient Fences
 instead thereof.*

County of } WE _____ of _____ and
 } of _____ do certify, That we have mea-
 sured _____ Perches of the Road from _____ to
 between _____ and _____ all in the Barony
 of _____ in this County, where there are _____ Perches
 of _____ immediately adjoining the said Road, of the average
 Breadth of _____ and Depth of _____ which are
 open and dangerous for Passengers and Travellers, and that it is
 necessary for the Safety and Security of the Public frequenting
 such Road to fill up the same, and to make a sufficient Fence
 instead thereof; and we propose that the Expence of the afore-
 said 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 No. 8.

*Form of Application for filling Dikes or Holes on the Sides of
 Roads.*

County of } We _____ of _____ and
 } of _____ do hereby certify, That it is necessary
 for the Security of Travellers to fill up the Dikes [or Holes]
 immediately adjoining _____ Perches of the Road
 from _____ to _____ between
 and _____ all in the Barony of _____ in this
 County; and we propose that the Expence of the said Work shall
 not exceed _____ Pounds, and shall be defrayed by the County
 at large [or the 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 No. 9.

*Form of Application for lowering a Hill or filling a Hollow,
or both, &c.*

County of } WE of and
 } of do hereby certify, That we have lately
 viewed Perches of a Road in the Townland
 of Barony of in this County, and we are of
 opinion that it would be useful [*here insert the Work proposed*];
 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 No. 10.

*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 No. 11.

*Form of Application for Payment by a Contractor for a public
Work.*

C } 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 Term 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 [*or set forth the Portion of the Work*], in conform-
 ity to the Presentment for the same, and to the Terms of the
 Specification, and that every Part of the said Work [*or the Pro-
 portion of 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 No. 12.

Form of Application for Payment by a Contractor for Works of Maintenance.

County of } WHEREAS at the Term 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 Com-
 mencement of my Contract, in conformity with the Presentment
 and Specification; 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.
 C.D.

SCHEDULE No. 13.

Form of Recognizance for Execution of Contract.

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 Lady the Queen, Her Heirs and Successors, in the
 Sum of Pounds, to which Payment they bind them-
 selves, their Heirs, Executors, and Administrators, and their
 Estates, jointly and severally: Whereas the above-bounded 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 be-
 come 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, other-
 wise to remain in full Force and Effect.

SCHEDULE No. 14.

General Form of Presentment for County Works.

County of Dublin, } WE present, to be raised off the County at large
 to wit. } [or off the Barony of or the Ba-
 ronies of and as the Case may be], a Sum
 not exceeding Pounds, to be expended in [here insert
 the Object of the Presentment, and the Nature of the Work, as
 particularly as shall seem necessary], according to the Plan,
 Specification, and Estimate laid before us and the Court, and
 approved of.

SCHEDULE No. 15.

Salaries to be paid to the County Officers in the County of Dublin.

County of Dublin.	£	s.	d.
Clerk of the Peace - - - -	450	0	0
Clerk of the Crown - - - -	150	0	0
Secretary, not exceeding - - -	450	0	0
Sheriffs - - - - -	150	0	0
Gaoler of Kilmainham - - - -	250	0	0
Crier at Kilmainham - - - -	50	0	0
Crier at the Queen's Bench - - -	8	8	0
Crier in the Commission Court - - -	8	8	0
Court Keeper in Queen's Bench - - -	8	8	0
Court Keeper in Green Street - - -	8	8	0
District Surveyor - - - - -	-	-	-

SCHEDULE No. 16.

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 or [as the Case may be] of the County of Dublin, 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. CVII.

An Act to regulate and reduce the Expences of the Offices attached to the Superior Courts of Law in Ireland payable out of the Consolidated Fund. [5th September 1844.]

WHEREAS by an Act passed in the First and Second Years of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Proceedings in the Civil Side of the Court of King's Bench, and also in the Court of Common Pleas, and in the Pleas or Common Law Side of the Court of Exchequer, in Ireland*, and further by an Act passed in the Fifth Year of the Reign of His said Majesty King George the Fourth, intituled *An Act to amend an Act made in the First and Second Years of the Reign of His present Majesty, for regulating the Proceedings in the Civil Side of the Court of King's Bench, and also in the Court of Common Pleas, and in the Pleas or Common Law Side of the Court of Exchequer, in Ireland*, Establishments of Officers, Assistants, and Clerks were formed for the Offices of the said several Courts, and for the Taxation of Bills of Costs in Common Law Business, and Regulations were made for providing

1 & 2 G. 4. c. 112.

‘viding the necessary Number of fitting and competent Persons to do the Business of writing, copying, and engrossing in every such Office respectively, the Salaries and Expences of which Establishments and Business were by the said Acts charged upon the Consolidated Fund: And whereas by an Act passed in the First and Second Years of the Reign of His said Majesty King George the Fourth, intituled *An Act to grant for the Term of Five Years additional Stamp Duties on certain Proceedings in the Courts of Law, and to repeal certain other Stamp Duties, in Ireland*, which Term has been since extended from Time to Time by subsequent Acts, certain Stamp Duties therein specified, to be denoted “Law Fund,” were granted to meet the Charge upon the Consolidated Fund, created by the Salaries and Expences so made payable thereout by the said herein-before recited Acts, for and in respect of the Offices of the said Courts of Law, and also to meet certain other Charges for Salaries, Allowances, and Compensations to the Judges and Officers of the said Courts, in lieu of certain Fees which were then abolished: And whereas the Income produced by the said Law Fund Stamp Duties has never been sufficient to meet the said Charges for which it was intended to form a Provision, and by making a new Arrangement as to the Business to be transacted in the said Offices a very considerable Saving in the Expences, chargeable in respect thereof, upon the Consolidated Fund, may be effected:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Eleventh Day of *October* One thousand eight hundred and forty-four the several Offices created by the said first-recited Act of the First and Second Years of the Reign of King George the Fourth, and all Appointments made under or by virtue of the said Act, or by virtue of the said recited Act of the Fifth Year of the Reign of King George the Fourth, shall be and the same are hereby abolished, save and except the Offices of Taxing Officers and their Clerk, and of Crier, Tipstaff, and Serjeant-at-Arms in the several Courts, which shall remain as heretofore.

Offices, &c.
abolished.

Exception.

Compensation
for Offices
abolished.

II. Provided always, and be it enacted, That each and every Officer (not included in the new Establishments herein-after mentioned) whose Office is hereby abolished, and who has a Freehold Interest therein, shall be entitled to receive as Compensation for and during his Life the full Amount of the Salary and Emoluments at present enjoyed by him in respect of said Office, such Compensation to be charged and chargeable, and paid and payable, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, in the same Manner as the Salaries and Compensations are herein directed to be paid; and that all other Persons whose Offices or Employments are hereby abolished, and who shall not be included or employed in the new Establishments to be formed, or whose Salary or Emoluments under such new Establishments shall fall short in amount of the Value of the Salary or Emoluments received by them in or under the Establishments so abolished, shall be entitled to receive such Compensation in respect thereof as the Commissioners of Her Majesty’s Treasury of the United

United Kingdom of Great Britain and Ireland shall ascertain and determine to be just and proper, regard being had to Length of Service, not exceeding in the whole in any Case the Salary, Emoluments, or official Income enjoyed or received by any such Person or Persons on an Average of the Three Years next preceding the Day appointed for the Commencement of this Act, and not being less in any Case than Three Fourths of the Income so ascertained, or of the Proportion thereof by which the Salary, Emoluments, or official Income of such Person or Persons shall fall short as aforesaid, the Amount of such Compensation to be ascertained in such Manner and by such Means as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and that when such Compensation shall have been so ascertained and determined the Amount thereof shall be charged and chargeable and paid and payable to the several Persons entitled thereto, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same Manner as the Salaries herein-after provided are appointed to be paid: Provided also, that until the Amount of such Compensation shall have been so ascertained all such Persons shall be entitled respectively to receive a Sum equal to the full Amount of the Salary, Emoluments, or official Income enjoyed by him or them respectively on the Average herein-before directed, such Sum or Sums to be charged and chargeable and paid and payable in the same Manner as the Salaries and Compensation herein directed: Provided also, that an Account of all Compensations granted under the Provisions of this Act shall, within Fourteen Days after the same shall have been granted as aforesaid, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or otherwise within Fourteen Days after the meeting of Parliament then next following.

III. And be it enacted, That from and after the said Eleventh Day of October One thousand eight hundred and forty-four there shall be in each of the said Superior Courts of Common Law in Ireland to conduct the Civil Business thereof One principal Officer, to be called the Master of such Court, and the following other Officers; (that is to say,) One Clerk of the Rules and One Clerk of the Writs, Appearances, and Seal; the said principal and other Officers to discharge the several Duties prescribed for them respectively in this Act, and in the Schedules severally marked (A.), (B.), and (C.) to this Act annexed; and the said Officers to have to aid them in the Discharge of the said Duties the several Assistants and Clerks in the said Schedules respectively set forth, and that the said principal and other Officers, and the said Assistants and Clerks, shall hold their Offices or Employments during good Behaviour, and shall be responsible for the due and efficient Performance of the Duties prescribed for them by this Act and the Schedules hereto annexed, and that the said principal and other Officers, and Assistants and Clerks, shall be entitled to receive the several and respective Salaries in that Behalf set forth in the said Schedules to this Act annexed.

New Officers,
Assistants, and
Clerks.

IV. ' And whereas it is expedient that the new Establishment of Officers, Assistants, and Clerks hereby created shall, in the first instance, consist of Persons employed in the Establishments hereby abolished; be it therefore enacted, That the Persons

New Establish-
ments to be
formed from
the old.

named

named in the Schedules (A.), (B.), and (C.) to this Act annexed as Officers, Assistants, and Clerks shall be and the same are hereby appointed and declared to be such Officers, Assistants, and Clerks as therein set forth respectively.

Proviso as to Salaries of A. Bushe, Esq., and Hon. D. Plunket.

V. Provided always, and be it enacted, That *Arthur Bushe* Esquire, the Prothonotary of the said Court of Queen's Bench, and the Honourable *David Plunket*, the Prothonotary of the said Court of Common Pleas, in *Ireland*, who are in and by this Act and the Schedules hereto appointed Masters of the said Courts respectively, shall be entitled to receive yearly and every Year during their respectively continuing in Office as such Master the respective Sums of Three hundred and eighty-four Pounds Twelve Shillings and Three-pence each, over and above and in addition to the Salaries provided for such Masters in the said several Schedules, to make up the full Amount of Salary received by them as Prothonotaries respectively, the said Sums to be paid and payable respectively in the same Manner, and out of the same Fund, and at the same Time and Times, as the Salaries and Compensations herein directed: Provided also, that if either of them the said *Arthur Bushe* or *David Plunket* shall, at any Time after the passing of this Act, resign his Office, with the Sanction and under the Authority of the Lord Chief Justice of the Court to which he shall belong, in consequence of being unable to discharge the Duties thereof from Infirmary of Mind or Body, which Resignation shall also be approved by the Commissioners of Her Majesty's Treasury, he shall be entitled to receive yearly during his Life, by way of Superannuation Allowance, the full Amount of the Salary now enjoyed by him in respect of his said Office of Prothonotary, the same to be paid and payable in the same Manner, and out of the same Fund, and at the same Time and Times, as the Salaries and Compensations herein directed.

Officers to hold no other Office, and to have no other Emolument than Salary.

VI. And be it enacted, That it shall not be lawful for any Person appointed by this Act, or who at any Time after the passing of this Act shall be appointed to any Office in any of the several said Courts, or as Clerk or Assistant to any of said Officers, to hold or exercise the Duties of any other Office or Place whatsoever, or to derive any Emolument or Profit for or in respect of or in connexion with the Business of the said Offices, either by Fee or Gratuity, or by the Sale of Stamps or Parchments or Paper, or otherwise howsoever, other than the Salaries or Allowances provided by this Act for such Officer, Assistant, or Clerk respectively, or authorized in and by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to protect Purchasers for valuable Consideration in Ireland against Judgments not revived or re-docketed within a limited Time*, or in and by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions in certain Cases; for extending the Remedy of Creditors against Debtors; and for the further Amendment of the Law, and the better Advancement of Justice, in Ireland*.

9 G. 4. c. 35.

3 & 4 Vict. c. 105.

How Appointments shall be made.

VII. And be it enacted, That when and so often as any Vacancy shall occur in any of the Offices of Master or other Officers in either of the said Superior Courts of Common Law, by Death, Resignation.

Resignation, or otherwise, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Time being, to nominate and appoint some fit and proper Person to fill such vacant Office; provided that no Person shall be eligible to be appointed to fill such vacant Office unless he shall be a Barrister in actual Practice of not less than Five Years standing at the Bar, or an Attorney of all or any of the said Courts in actual Practice of not less than Five Years standing on the Roll, or unless he shall have served as Officer, Assistant, or Clerk in any of the said Offices for not less than Five Years in the whole; and that when and so often as any Vacancy shall occur, by Death, Resignation, or otherwise, of any of the Assistants or Clerks hereby created, such Vacancy shall be filled by the Assistant or Clerk next in seniority in the Department, to whom no sufficient Objection, to the Satisfaction of the Lord Chief Justice or Lord Chief Baron, shall be made; and that on all future Vacancies in the Office of Junior Clerk in each Department the Master of the Court in which such Vacancy shall occur shall appoint some proper Person to be such Junior Clerk: Provided always, that all Appointments of Officers, Assistants, or Clerks to be made by virtue of this Act shall be so made without any pecuniary or other Consideration directly or indirectly to be paid or received for the same.

VIII. And be it enacted, That if at any Time after the Commencement of this Act it shall be found that the Establishments hereby authorized to be appointed for the several Courts are, in point of Number of Assistants or Clerks, either excessive or insufficient, or that it is expedient either to increase or diminish the Salaries of the Masters, Officers, Assistants, or Clerks, the Judges of the Court in which such Case may occur shall notify the same to the Commissioners of Her Majesty's Treasury by Certificate under the Hands of any Two or more of them, stating the Circumstances which may have caused any such Changes to be necessary; and thereupon it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, by their Warrant, to increase or reduce such Establishment or Salaries, as the Case may require, provided that no Salary hereby appointed to be paid shall be so diminished unless when the Office or Employment for which it is payable shall be vacant; and if Excess or Deficiency shall have arisen from the Fluctuation of Business from one Court to another, it shall be lawful for the said Commissioners of the Treasury to remove the requisite Number of Persons from the Offices in which the Business shall have decreased to those in which it shall have increased; and every such Arrangement or Removal or Appointment, Increase or Reduction, to be made by the said Commissioners shall be as good and valid as if the same had been made by, under, or by virtue of this Act, any thing herein contained to the contrary notwithstanding.

IX. And be it enacted, That from and after the Commencement of this Act the Officers, Assistants, and Clerks appointed or to be appointed hereunder shall not in any Case be required to receive Payment in Money for Law Fund Duties, but that it shall be lawful for such Officer, Assistant, or Clerk, and he is hereby required, in every Case in which such Duty has been heretofore payable by Entry, to ask, demand, and receive from the Party requiring such

Commissioners of Treasury empowered to increase or diminish Establishment.

Receipt of Law Fund Duties by Officers discontinued.

such Proceeding to be taken a Docket or Requisition, specifying the Nature of such Proceeding, duly stamped, marked, or impressed, according to Law, with the Stamp or Mark provided or to be provided by the Commissioners of Stamps for expressing or denoting the Duty payable in respect of such Proceeding; and also that it shall and may be lawful to and for each and every Officer, Assistant, and Clerk in any of the Offices of any of the several Courts aforesaid to demand and receive of and from any Person who shall apply to such Officer, Assistant, or Clerk to obtain any Copy whatsoever, which according to Law ought to be on a Stamp or Stamps, the Paper requisite for the same, duly impressed with the Stamp Duty payable thereon; and no such Officer, Assistant, or Clerk shall be bound to commence such Business, or to take any Step towards the Execution thereof, until such stamped Paper shall have been deposited with him.

Writs, &c. to
be prepared by
Attornies.

X. 'And whereas it is just and expedient that, except as herein after mentioned, all such Writs and other Writings as have been hitherto prepared, engrossed, and written in the Offices of the general Clerks and other Assistants to the principal Officer in each Court at the Charge of the Consolidated Fund shall in future be prepared, engrossed, or written by the Attornies requiring them, at the Charge of the Party or Parties for whose Benefit, Advantage, or Purpose they are so required; be it therefore enacted, That from and after the Commencement of this Act no Writs or other Writings shall be prepared, engrossed, or written in any of the Offices of the said Courts at the Charge of the Consolidated Fund, save and except the making up, Entry, and Enrolment of Judgments, and such Office Copies or Extracts as may be required of any Pleadings, Affidavits, Writs, or other Documents, Matters or Things, which, having been previously filed, deposited, enrolled, or recorded in the Office, shall be in the Custody of the Officer of the Court; but that when any such Writs and other Writings shall be brought to the Office properly prepared the proper Officer shall and he is hereby required, without unnecessary Delay, to examine, enter, sign, seal, attest, or record the same, as the Case may require.

Writing Clerks
to be employed
for preparing
Enrolments and
Office Copies.

XI. And be it enacted, That for the Purpose of preparing Enrolments of Judgments, and such Office Copies or Extracts as may be required of such Pleadings, Affidavits, Writs, Records, or Documents, Matters or Things, as shall be in the Custody of the Officer, it shall and may be lawful for the Master of each Court and he is hereby required to employ Writing Clerks, who shall be paid, according to the Quantity of their Writing, at the Rate of Three Half-pence *per* Office Sheet of Seventy-two Words, such Payment to be charged in the incidental Expences of the Court in the Manner herein-after provided.

Searching
Clerks.

XII. And be it enacted, That for the Purpose of making Searches for Judgments, or Fines or Recoveries, it shall and may be lawful for the Master of each Court and he is hereby required to employ competent Clerks, to be removable at his Pleasure, who shall be paid in respect to each distinct Search, according to the Quantity of their Work, at the Rate of One Shilling for every Period of Twenty Years, or fractional Portion thereof, over which each Search made by them respectively shall extend: Provided
always,

always, that not more than Two Clerks shall be so paid in respect of each negative Search, and not more than One in respect of each common Search, such Payment to be charged in the incidental Expences in manner herein-after provided.

XIII. And in order to secure the Services of competent Persons to perform the said Business of searching, be it enacted, That each of Three Persons to be employed therein by the Master of each Court as aforesaid shall be entitled to receive, for and during the Time he shall be so employed, a Salary at the Rate of One hundred Pounds *per Annum* over and above the said Allowance of One Shilling *per Search*, the said Salary to be charged in the incidental Expences in the Manner herein-after provided with respect to other Salaries: Provided always, that the Persons so to be appointed as such Searching Clerks (unless employed in such Business previously to and at the Time of the passing of this Act) shall not be entitled to any Compensation for the Loss of such Appointment in the event of any Alteration being made, by the Authority of Parliament or otherwise, whereby such Business of searching shall be transferred from the Offices of the said Courts to any other Office or Offices: Provided also, that when any such Alteration shall take place the Power and Authority hereby given to the Masters to retain and employ such Searching Clerks shall cease, and that then and in such Case the Master of each Court shall and he is hereby authorized to appoint One Clerk for general Purposes, in addition to the Establishment provided in and by the Schedules hereto annexed, each of such Clerks to receive a Salary of One hundred Pounds yearly, to be payable in the same Manner as the other Salaries hereby directed.

XIV. And be it enacted, That the Prothonotary of the Court of Queen's Bench, the Prothonotary of the Court of Common Pleas, and the Clerk of the Pleas of the Court of Exchequer, whose Offices are abolished by this Act, shall and they are hereby required, on or before the Eleventh Day of *October* One thousand eight hundred and forty-four, to render to their respective Courts an Account in Writing of all and every Sum and Sums of Money which shall at any Time theretofore have been paid into the said respective Courts by or on behalf of Suitors to abide the Event of any Suit, or for any Purpose whatsoever, and which shall then remain unclaimed and undisposed of in the Hands and Possession of the said Prothonotaries and Clerk of the Pleas respectively, showing the precise Amount paid into Court in each Action, the Names of the Plaintiff and Defendant, and of their Attornies, and the Time when, and by whom, and the Purpose, so far as the same can be ascertained, for which the said Amount was so paid in, which Account the said Officers shall cause to be entered in Books to be kept in their Offices respectively for that Purpose; and the said Officers respectively shall and they are hereby required, immediately upon rendering such Accounts, to pay into the Bank of *Ireland* to an Account to be opened by the Master of each of the said Courts respectively in the Books of the Governor and Company of that Bank, to the Credit of the proper Cause or Matter, all and every such Sum and Sums of Money so appearing to be in their Custody as aforesaid, which Accounts respectively the

Salaries to Searching Clerks.

Limiting Compensation for Loss of Appointment.

Future Appointments.

Suitors Money to be paid into the Bank of Ireland.

the Governor and Company of the Bank of *Ireland* are hereby authorized and required to open in their Books accordingly.

All Monies deposited in Court by Suitors to be paid into the Bank of *Ireland*.

XV. And be it enacted, That after the said Eleventh Day of *October* One thousand eight hundred and forty-four the Master of each of the said Courts respectively shall cause all and every Sum or Sums of Money paid into the said Courts by or on behalf of the Suitors in either of those Courts to abide the Event of the Suit, or for any other Purpose whatsoever, and all Payments thereout, to be entered in proper Books to be kept for that Purpose, and shall, as soon as conveniently may be, pay all and every such Sum or Sums of Money into the Bank of *Ireland* to the Credit of the proper Cause or Matter; and when and so often as it shall and may be necessary to pay out or disburse any of the Monies so lodged in Bank, the Court shall by its Order direct such Payment or Disbursement, and the Master of each of the said Courts respectively shall and he is hereby authorized and required to draw on the said Governor and Company of the Bank of *Ireland* for any Sum or Sums of Money so ordered to be paid out or disbursed; and the said Governor and Company of the Bank of *Ireland* are hereby authorized and required to pay all such Sums of Money as may so be drawn for, in pursuance of such Order, by the Masters of the said Courts respectively.

Seal Fees abolished.

XVI. And whereas the Receipt of Fees in the Seal Office (at the Law Side) of the Court of Exchequer would interfere with the Arrangements hereby made for the Regulation of the Business in the Offices at that Side of the said Court, and it is expedient that such Fees should be abolished; be it therefore enacted, That from and after the Commencement of this Act the said Fees shall be and the same are hereby abolished, and that no Fees whatsoever shall be paid or payable for or in respect of the sealing of any Writs, Records, or other Documents issuing out of the Law Side of the said Court, and that the same shall be sealed by the Person whose Duty it shall be under this Act without any Charge whatsoever to the Suitor.

Separate Seals to be provided for Law and Equity Sides of the Court.

XVII. And be it enacted, That it shall be lawful for the Chief Baron and other Barons of the said Court of Exchequer, and they are hereby required, at any Time before the Commencement of this Act, to provide separate Seals for the Law and Equity Sides of the said Court, and that the Custody and affixing thereof shall be committed to the Secondary of the Equity Side, so far as regards the Equity Side of the said Court, who shall receive to his own Use the Fees now payable in respect thereof, and, as regards the Law Side thereof, to the Clerk of the Writs, Appearances, and Seal on the Law Side of the said Court, the Expence of providing such Seals to be charged amongst the incidental Expences herein-after provided for.

Schedules deemed Part of this Act.

XVIII. And be it enacted, That the several Schedules to this Act annexed, and all Directions, Matters, and Things in the said Schedules respectively contained, shall be deemed and taken to be Part of this Act.

Salaries to be paid Quarterly out of Consolidated Fund.

XIX. And be it enacted, That the said several Salaries in the said Schedules respectively set forth as aforesaid shall be payable from Time to Time out of the Consolidated Fund of the United

Kingdom of *Great Britain and Ireland*, and that the said Salaries respectively shall be payable quarterly on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Tenth Day of *October* in every Year; and that for Provision for the necessary incidental Expences in each Court the said Commissioners of the Treasury shall pay or cause to be paid, at such Time or Times and in such Manner as they shall think proper, to the Master of each Court, such Sum as shall in each and every Quarter be certified in Writing under the Hands of One or more of the Judges of the Court respectively to which such Master shall belong to have been necessarily incurred as and for the Costs of the Clerks employed in writing and searching in the Offices of the said Courts respectively as aforesaid, and as and for the Expences of Coals, Candles, and all other Expences of the said several Offices in the said Courts, and in the several Chambers of the said Courts respectively, including therein the Remuneration of the Courtkeeper, Housekeeper, and Office Messenger as heretofore; and every such Certificate shall be given on an Examination on Oath of the principal Officer of each Department in or for which any such Payment shall be required, and of such other Person or Persons, if any, as such Judge or Judges respectively shall think proper, or as shall be produced before them for that Purpose.

Incidental
Expences.

XX. And be it enacted, That whenever any Officer, Deputy, Assistant, or Clerk in any of the said several Courts, except the Master in each such Court respectively, shall apply for Payment of the Salary due to him, or any Part thereof, he shall produce a Certificate from the Master of the Court for the Time being, stating that he is the Person then holding such Office or Employment respectively, and that he is entitled to receive the Salary annexed by Law thereto, and then due to him as such Officer, Deputy, Assistant, or Clerk.

Certificate to
be produced
on Application
for Payment of
Salary.

XXI. And be it enacted, That the Master in each of the said several Courts shall at all Times respectively superintend the Conduct and Proceedings of the several other Officers, Assistants, and Clerks of his respective Court, and shall inspect their respective Offices, and all Records, Books, Papers, and Documents therein respectively, and shall make such Orders for the Regulation of the said Offices, and the Performance of the Business thereof, and the Hours of Attendance of the Officers, Assistants, and Clerks, as they shall think proper, so as to ensure Uniformity and Equality of Business in each of the Departments of the said Three Masters.

Masters shall
superintend and
direct subordinate
Officers in the
several
Courts.

XXII. And be it enacted, That it shall and may be lawful to and for the said Courts of Queen's Bench, Common Pleas, and Exchequer respectively, on Complaint duly made, or on any Offence or Misconduct of which they may otherwise acquire judicial Knowledge, and after full Inquiry into the alleged Grounds thereof, by Affidavit or otherwise, as they shall think fit, respectively to remove any Officer, Assistant, or Clerk of the said Courts respectively, as well the Master as others, from his Office, for any Offence or Misconduct in such Office which such Court shall deem deserving of such Punishment, and thereupon such Officer, Assistant, or Clerk shall cease to hold or be entitled to such Office; and it shall be lawful for the said Courts, on Complaint and Inquiry as aforesaid, to inflict upon any Officer, Assistant, or Clerk for any

Courts may
remove or fine
Officers for
Misconduct.

minor Offence such Punishment; by way of Fine as to such Court shall seem expedient.

Act not to bar Remedies for Misconduct in Officers.

XXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, prejudice, or defeat any Action or Indictment or any Remedy or Proceeding whatsoever, which at any Time heretofore may or might have been brought, found, had, or taken against any Officer, Deputy, or Clerk in or under any of the said Courts herein-before mentioned for or in respect of any Misconduct in Office which may have occurred or taken place, or which may take place at any Time before the Commencement of this Act, but that all such Actions, Indictments, Remedies, and Proceedings for any such Misconduct may be brought, found, had, or taken as if this Act had never been made.

All Offices in the Courts shall be executed in Person, except in Cases of Illness or Leave of Absence, and then by Deputy appointed with the Consent of the Judge.

XXIV. And be it enacted, That from and after the Commencement of this Act every Officer or Assistant of any of the said several Courts whose Duty it is to sign or attest any Writ, Pleading, or Document shall respectively execute the Duty of his Office in Person, except only in case of Sickness or occasional Absence, or under the Sanction herein-after provided; (that is to say,) that it shall and may be lawful for the Chief Justice or Chief Baron of the Court to which such Officer or Assistant shall belong, or in his Absence the next senior Judge or Baron of the said Court then in *Dublin*, on the Application of the Master, to grant to any such Officer or Assistant Leave of Absence for any Period which the said Judge or Baron shall consider reasonable; and that in any such Case it shall and may be lawful to and for such Officer or Assistant, by Deputation in Writing under his Hand and Seal, by and with the Consent in Writing of the Chief Justice or Chief Baron of the Court to which such Officer or Assistant shall belong, or in the Absence of such Chief Justice or Chief Baron, then of the next senior Judge of the said Court then in *Dublin*, to appoint a Deputy to execute the Duties of such Officer or Assistant during such Period as shall be specified in such Deputation; and the Name of such Deputy, and the Approbation of such Chief Justice, Chief Baron, or Judge, and the Time for which such Appointment is to continue, shall be specified and set forth in such Deputation, and such Deputation shall be signed and endorsed by such Chief Justice, Chief Baron, or Judge; and the Period mentioned in such Deputation may, on the Application of the Master, be afterwards prolonged, if necessary, by such Officer or Assistant, with the Approbation of such Chief Justice, Chief Baron, or Judge, by Endorsement of the said Officer or Assistant, and of the said Chief Justice, Chief Baron, or Judge, upon such Deputation: Provided always, that such Deputation shall not be liable to or chargeable with any Stamp Duty whatsoever.

Provision in case of temporary Absence.

XXV. ' And whereas Inconvenience may arise from the temporary Absence of any of the Officers or Assistants whose Duty it is, under the Direction in the Schedule to this Act annexed, to sign any Writ, Pleading, or Instrument, unless Provision be made for such Contingency; be it therefore enacted, That at all Times the Signature of the Master shall be good and valid in lieu of the Signature of any of the Officers or Assistants, and that in the temporary Absence of the Master the Acts and Signa-

ture of his principal Assistant shall be good and valid to any Pleading, Proceeding, or Instrument requiring the Signature or Superintendence of said Master.

XXVI. And whereas it may so happen that occasionally or at certain Periods of the Year the Assistants or Clerks in some of the said Offices may not have sufficient Occupation in the Business strictly belonging to their Offices respectively, whilst at the same Time there may be an undue or unusual Pressure of Business upon the Assistants and Clerks in some other of the said Offices, or some Business of an occasional Nature which the Master may be required or find necessary to have performed in the Discharge of his Duty as principal Officer, and it is expedient to provide against the Necessity of employing extra or additional Clerks in such Cases; be it therefore enacted, That it shall and may be lawful for the Master of each Court respectively and he is hereby required, in the Exercise of his Superintendence in every such Case as is hereby contemplated, to order, direct, and cause any of the said Assistants and Clerks attached to the Court of which he is Master, who may not have sufficient Occupation at any Time or Times as herein-before mentioned in the Business of their own Offices, to perform such Portions as he may think proper of the Business of any other of the said Offices of the said Court in which there may be such Pressure as aforesaid, or of any occasional or extra Business which he the said Master may be required or find necessary to have performed in the Discharge of his Duty as Master; and it is hereby declared to be the Intent and Meaning hereof that the said Masters respectively shall in every such Case have full discretionary Power as to the Distribution of the Business to be performed in the said Offices, notwithstanding the specific Division of Duties for general Purposes set forth in the Schedules to this Act annexed.

Authority to employ Clerks who may have Leisure in other Departments of the Master's Office.

XXVII. And be it enacted, That in case it shall happen that any Officer or Assistant having Power under this Act to appoint a Deputy of the said several Courts, by reason of Accident or Infirmary, shall be unable to appoint a Deputy, or whenever any Office in any of the said Courts shall become vacant, then and in every such Case it shall and may be lawful to and for the Chief Justice or Chief Baron of the said Courts respectively, or in his Absence the next senior Judge of the said Court, if applied to for that Purpose, to appoint a fit and proper Person to perform the Duty of such Officer or Assistant until there shall be an Officer or Assistant capable of discharging his own Duty; and that every such Person so appointed shall be to all Intents and Purposes a complete Officer or Assistant, according to the Terms of such Appointment, save that such Person so appointed as aforesaid shall not be entitled to any greater Proportion of the Salary of such Office than shall be specified in such Order.

In case of Incapacity of Principal to appoint, and on Vacancies, Chief Justice may appoint a Person to execute Offices till Vacancy is supplied.

XXVIII. And be it enacted, That it shall and may be lawful to and for the Officers and Assistants herein-after named of and in the several Courts aforesaid, and the said Officers and Assistants are hereby fully authorized, empowered, and directed, whenever they shall be thereunto required, (except on *Sundays, Good Friday, and Christmas Day,*) to take Affidavits or Affirmations in all

Officers authorized to take Affidavits in the several Courts.

Matters relating to the Business of the said Courts respectively, and to administer the necessary Oaths or Affirmations for that Purpose; (that is to say,) the Master, the principal Assistant, the Clerk of the Rules, his Assistant, the Clerk of Writs, Appearance, and Seal, the Pleadings Assistant and the Record Assistant. and also in and for each of the said Courts the Marshal of the Marshalsea of the Four Courts at *Dublin* as to Persons in his Custody; and all such Oaths, Affidavits, and Affirmations shall be of the same Force, Validity, and Effect, and shall and may be filed and used and acted upon respectively, as fully and effectually to all Intents and Purposes whatsoever, as if the same had been sworn or affirmed before the said Courts, or all or any of the Judges thereof respectively; and any Person who shall wilfully or corruptly swear or affirm any thing false in any such Affidavits or Affirmations shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury in like Manner in all respects as if such Affidavits had been made in any of the said several Courts, or before all or any of the Judges thereof respectively.

Administration of Affidavits, &c. to Persons confined by Illness or in Custody.

XXIX. And be it enacted, That to provide for Cases in which it may be necessary to administer Affidavits or Affirmations to Persons confined by Illness, or detained in Prison in the City of *Dublin*, or within Ten Miles thereof, it shall be the Duty of the Officers and Assistants hereby authorized to take Affidavits or Affirmations, under such Regulations as to Rotation as the Master of their Court shall make, to proceed, when required, within reasonable Hours on Business Days, to the Place in which the Person to be sworn or affirmed shall be so confined, and there to administer such Affidavit or Affirmation: Provided always, that no Officer or Assistant shall be required to administer any Affidavit or Affirmation at any other Place or Time than at his Office, and during Office Hours, except in the Cases of Illness or Custody hereby contemplated, and then only upon the Production of a proper Certificate of such Custody, or in the Case of Illness the Certificate of a duly qualified Medical Man, stating the Inability of the Person requiring to be sworn or affirmed to attend at the Office without Danger to the Life or Health of such Person, and that the Illness of such Person is not of an infectious or contagious Nature: Provided also, that any Expence of Carriage Hire to be incurred by such Officer or Assistant in attending as aforesaid shall be previously defrayed by the Persons requiring such Attendance.

The Judge opening the Court on the first Day of Term shall examine the State of the Records there.

XXX. And be it enacted, That in each and every of the said several Courts, on the First Day of each and every Term, the Judge who shall open the Court on that Day shall immediately after the opening the same satisfy himself, so far as he can by personal Inspection, that the Records of each and every of the said Courts respectively are duly and regularly kept and preserved, so as to be safe, dry, sound, and legible, and in such Order and Arrangement, and with such Means of Reference to the same, that all Persons having Occasion to inspect the same respectively shall and may have easy Access thereto, and the said Judge shall report to the other Judges of the Court the Result of such Examination; and if there shall be any Default or Error therein, the same shall

shall be (as soon as may be) examined into by the Court, and shall be rectified as soon as possible.

XXXI. And be it enacted, That every Person hereby appointed, or who shall at any Time after the passing of this Act be appointed, to be an Officer, Assistant, or Clerk of or in any of the Offices in the said several Courts in this Act, and the Schedules thereto annexed, mentioned and specified, shall be and is hereby declared to be incapable of practising as a Barrister or as an Attorney or Solicitor, or as Agent or Clerk of any Attorney or Solicitor in any Court of Law or Equity in *Ireland*, either separately or in Partnership with any other, or in the Name of any other Person or Persons, during such Time as such Person shall hold the Situation, Office, or Employment of an Officer, Assistant, or Clerk in any of the said Offices; and if any Officer, Assistant, or Clerk shall so practise as such Barrister, Attorney, Solicitor, Agent, or Clerk, while he shall hold the Situation, Office, or Employment to which he shall have been appointed, contrary to the true Intent and Meaning of this Act, the Chief Justice or Chief Baron of the Court in which such Person shall be employed shall, on sufficient Proof of the same, dismiss the Person so offending from his Office or Employment; and the Person so dismissed shall be rendered incapable of ever after holding any Office or Employment in any of the said Courts.

Officers of the Courts hereafter to be appointed disabled from practising as Barristers or Attornies.

XXXII. And whereas for the Convenience of Suitors and their Attornies an Officer in each of the said Courts has been hitherto privileged and permitted to act as Retailer of Stamps and Law Forms, and to vend the same in his Office: And whereas by this Act all Officers, Assistants, and Clerks in the said Offices are prohibited from so acting as Retailer of Stamps and Law Forms, but it is nevertheless expedient that the Convenience attending such Practice should still be afforded to the Public; be it therefore enacted, That the Master of each Court shall be and he is hereby authorized to nominate and appoint such Person as he shall think fit to act as such Retailer of Stamps and Forms in and for his respective Offices, from whom the Suitors and their Attornies shall have the Option of procuring such Stamps and Forms as they may require for their Convenience, and the expeditious Despatch of their Business; and the Commissioners of Stamps shall and may grant to the Person so nominated a Licence to retail Stamps upon obtaining the Sureties required by them in such Cases, and with the Privileges, and subject to the Conditions and Regulations, now or hereafter to be made applicable to Retailers of Stamps in general.

Master may appoint a Retailer of Stamps and Forms as heretofore.

XXXIII. Provided always, and be it enacted, That no Master, Officer, Assistant, or Clerk in any of the said Courts shall in any way directly or indirectly receive or participate in the Profits or Emoluments arising from the said Business of Retailer of Stamps and Forms, and that any Violation of the Spirit and Meaning of this Proviso shall be deemed and taken to be Misconduct within the Meaning of the Section of this Act which authorizes the Courts respectively to fine or remove any Officer, Assistant, or Clerk for Misconduct.

No Officer shall participate in Profits of Retailer of Stamps, &c.

XXXIV. And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the

Superannuation Allowances granted to

Officers upon Retirement.
4 & 5 W. 4. c. 24.

7 W. 4. &
1 Vict. c. 30.

‘ Fourth, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect to their having held Civil Offices in His Majesty’s Service*, Provision is made to secure Superannuation Allowances to the Offices and Departments set forth in the Schedules to said Act annexed, and Power is given to the Commissioners of the Treasury to add to the List of Offices and Departments enumerated in the said Schedule any other Office or Department which then existed or might be created or be established, and to place the same, and the Officers and Persons to be employed, under the Provisions of the said Act, but such Addition not to extend to Officers in any of His Majesty’s Courts at *Westminster* or *Dublin*: And whereas by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in these Courts*, the Provisions of the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth, so far as a Right to Superannuation Allowance is involved, are in the Manner therein mentioned extended to all Officers, Clerks, and Messengers of the Superior Courts at *Westminster*: And whereas it is expedient that the Benefits of the said Act should in like Manner be extended to all Officers, Assistants, and Clerks of the Superior Courts of Common Law at *Dublin* to be appointed by or under this Act;’ be it therefore enacted, That from and after the passing of this Act every Officer, Assistant, or Clerk appointed, retained, or employed by or under the Authority and Provisions of the same, or who shall be hereafter so appointed, retained, or employed, and who shall resign his Office or Situation therein, with the Sanction and under the Authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, in consequence of his being incapable from Infirmity of Mind or Body to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the said Commissioners of Her Majesty’s Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in any Office or Situation in either of the said Courts, or any other public Office or Situation prior to the passing of this Act, and shall proceed according to the Principles laid down by the said recited Act of the Fourth and Fifth Years of the Reign of King *William* the Fourth; and that all such Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is herein-before provided in respect of the Salaries of the Masters, Assistants, and Clerks of the said Courts respectively.

Regulating Abatement from Salaries of Officers.

‘ XXXV. ‘ And whereas the Commissioners of the Treasury did, by a Minute dated the Fourth Day of *August* One thousand eight hundred and twenty-nine, record their Intention to adopt certain Regulations with a view to reduce prospectively the Charge incurred in providing for Superannuation Allowances, of
‘ which

' which Notice was given in the several public Departments then
' enjoying the Benefit of Superannuation Allowance : And whereas
' it is expedient that, in pursuance of said Minute, an annual
' Abatement should be made from the Salaries of the several Offices
' or Employments created by or under the Authority of this Act,
' but inasmuch as the said Notice cannot be deemed applicable to
' the Courts of Common Law at *Dublin* such Abatement should
' not affect Persons who have held Office or Employment therein
' previously to the passing of this Act ;' be it therefore enacted,
That from and after the Commencement of this Act there shall be
an annual Abatement made, in quarterly Proportions, by the Pay-
master of the Civil Services in *Ireland*, from the Salaries of the
several Officers, Assistants, and Clerks to be hereafter appointed
under the Authority of this Act, at any Time after the Com-
mencement thereof, to any of the Offices or Employments set forth
in the Schedules hereunto annexed, in such Manner and under
such Directions as shall from Time to Time be given in this
respect by the Commissioners of the Treasury, the Amount of
which Abatement shall be according to the respective Rates fol-
lowing ; (that is to say,)

From Salaries not exceeding the annual Sum of One hundred
Pounds, an Abatement at the Rate of Two Pounds Ten Shil-
lings *per Centum* ;

And from Salaries exceeding One hundred Pounds, Five Pounds
per Centum.

XXXVI. And be it enacted, That whenever it shall happen that
the Two Persons now holding the Office of Taxing Officer to the
said Law Courts shall vacate the same, by Death, Resignation, or
Removal, there shall thenceforth be for the said Three Courts but
One Taxing Officer, who shall be and be called Taxing Officer in
Common Law Business, who shall hold his Office during good
Behaviour, and shall have the same Power and Authority, and be
subject to the same Regulations, as are given and contained with
reference to Taxing Officers in and by the said herein-before re-
cited Act of the First and Second Years of the Reign of King
George the Fourth ; and that all and every the Provisions con-
tained in the said Act with reference to the Taxing Officers created
thereby, so far as the same shall be consistent with the Alterations
hereby effected, shall be and be deemed applicable to the Taxing
Officer to be appointed under this Act, and to the Taxation of
Costs by him, and all Matters and Proceedings belonging to or
connected with the Business thereof ; and that such Taxing Officer
shall have the Assistance in his said Business of One Examiner
and One Clerk, to be appointed by him during his Pleasure ; the
said Taxing Officer, Examiner, and Clerk to receive respectively
(out of the same Fund and at the same Periods as the other Salaries
hereby directed to be paid) the Salaries set forth in the Schedule
(D.) to this Act annexed ; and that whenever it shall happen that
a Vacancy shall occur in the said Office of Taxing Officer by the
Death, Resignation, or Removal of One only of the Two Persons
now holding such Office, the Person to be appointed Taxing
Officer in his Stead, under the Provisions of the said herein-before
recited Act, shall, notwithstanding any thing in said Act contained,
be entitled to receive only the Salary specified for the Taxing
Officer

Officer in the said Schedule marked (D.) to this Act annexed; and whenever the other of the Two Persons now holding the Office of Taxing Officer shall die, resign, or be removed, the Person who shall have been so appointed as joint Taxing Officer in the Room of the Person so first dying, resigning, or being removed shall be the sole Taxing Officer as herein-before directed, with the Assistance of an Examiner and Clerk, as specified in the said Schedule marked (D.) to this Act annexed.

Vacancy in Office of Taxing Officer how to be supplied.

XXXVII. And be it enacted, That whenever a Vacancy shall occur as aforesaid and from Time to Time hereafter in the Office of Taxing Officer, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint a proper Person to be such Taxing Officer, who shall be a Barrister in actual Practice of not less than Five Years standing at the Bar, or an Attorney of any of the said Courts of not less than Five Years standing on the Rolls, or who shall have served as Officer or Assistant in any One or more of the Offices of the said Courts for not less than Five Years in the whole.

Place of Taxation.

XXXVIII. And be it enacted, That it shall and may be lawful for the said Judges of the said Superior Courts of Common Law, or any Three of them, and they are hereby required, at any Time within the Term next following the Commencement of this Act, to appoint a convenient and suitable Place within the public Buildings called the Four Courts at *Dublin*, or within the Buildings or Offices contiguous thereto, and attached to or connected therewith, wherein the said Taxing Officers or Officer shall have their or his Office; and that the said Taxing Officers or Officer shall discharge the Duties of their or his Office in the Place so to be appointed, and in no other Place; and any Expence attendant on such Arrangement shall be charged amongst the incidental Expences herein-before provided for.

Tables of Fees, Allowances, and Charges, and Rules to regulate the Principles of Taxation, to be prepared.

XXXIX. And be it enacted, That it shall and may be lawful for the said Judges of the said Superior Courts of Common Law, or any Three of them, and they are hereby required, within the Term next following the Commencement of this Act, to cause to be prepared a Table or Tables setting forth what Fees and Allowances and Charges it may in future be reasonable and proper for the Taxing Officers or Officer to allow in their or his Taxation of Costs in Common Law Business, and also from Time to Time to vary such Table or Tables, and to make such Rules as may appear to them proper to regulate the Principles upon which such Taxation shall in future be conducted, and that all such Fees, Allowances, and Charges shall be payable in *British* Currency.

Pursuivant of the Court of Exchequer abolished, and his Duties transferred to the Serjeant-at-Arms.

XL. 'And whereas the Office of Pursuivant of the said Court of Exchequer has been held by *Boyle Keller* Esquire, under Letters Patent, for upwards of Twenty-one Years past, and the Amount of Fees and Emoluments, as well as the Business of the said Office, have of late Years been greatly diminished, and it is expedient to abolish the said Office;' be it therefore enacted, That from and after the Day appointed for the Commencement of this Act the said Office of Pursuivant of the said Court of Exchequer shall be and the same is hereby abolished; and the said *Boyle Keller* shall be entitled to receive yearly during his Life the Sum of One hundred and six Pounds, being the Amount

of Salary and Compensation now enjoyed by him as such Pursuivant; and the said Sum to be paid and payable in the same Manner, and at the same Time and Times, and out of the same Fund, as the Salaries and Compensations authorized by this Act are directed to be paid: Provided always, that all such Writs of Attachment and other Process which have heretofore been usually issued and directed to the said Pursuivant shall and may be issued and directed to the Serjeant-at-Arms of the said Court of Exchequer.

XLII. And be it enacted, That this Act and every Clause and Matter therein shall commence and have effect from and after the Eleventh Day of *October* in this present Year One thousand eight hundred and forty-four, save and except in Cases where any Clause, Matter, or Thing is expressly directed to take effect from the passing of this Act, or from any Time particularly specified therein. Commencement of Act.

XLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament. Act may be amended, &c.

SCHEDULES referred to and made Part of the foregoing Act.

SCHEDULE (A.)

DESCRIBING the several OFFICERS in the CIVIL SIDE of the COURT of QUEEN'S BENCH in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.

MASTER [ARTHUR BUSHE Esq.]—To exercise the general Superintendance directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Redocketings of Judgments; to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking Satisfaction and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records in the Civil Side of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for

Yearly
Salaries.
—
£ s. d.

SCHEDULE (A.)—*continued.*

PRINCIPAL DEPARTMENT— <i>continued.</i>		Yearly Salaries.		
		£	s	d
the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers to do - -		1000	0	0
PRINCIPAL ASSISTANT [Mr. JAMES ALEXANDER HAMILTON].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally -		600	0	0
CLERK [	] to aid him -	100	0	0
PLEADING DEPARTMENT.				
PLEADINGS ASSISTANT [Mr. THOMAS BYRON].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith - - - -		400	0	0
FIRST CLERK to aid him	- - - -	100	0	0
SECOND CLERK, ditto	- - - -	80	0	0
RECORD DEPARTMENT.				
RECORD ASSISTANT [Mr. RICHARD HANLEY].—To have the Care and Custody of the Judgment Rolls of the said Court, and of the Books of Record containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information, within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office - -		400	0	0
FIRST CLERK [	] to make Entries in Books relating to Judgments -	200	0	0
SECOND CLERK [	] to aid as Occasion may require - -	100	0	0
RULES DEPARTMENT.				
CLERK OF THE RULES [Mr. CHRISTOPHER NELSON DUFF].—To perform the present Duties of the Office - - - -		600	0	0
ASSISTANT [Mr. WILLIAM CHRISTOPHER KNOX]	-	350	0	0
CLERK [Mr. RICHARD MARLOW]	-	100	0	0

SCHEDULE (A.)—continued.

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

CLERK OF WRITS, APPEARANCES, AND SEAL [Mr. ROBERT COOPER].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters; and to do all such Acts as properly belong to the said Offices

		Yearly Salaries.		
		£	s.	d.
CLERK OF WRITS, APPEARANCES, AND SEAL	- - - - -	600	0	0
ASSISTANT	- - - - -	200	0	0
CLERK	- - - - -	100	0	0
One CLERK for general Purposes as may be directed by the Master - - - - -		80	0	0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (B.)

DESCRIBING the several OFFICERS of the COURT of COMMON PLEAS in IRELAND, their Assistants and Clerks, and the Duties and Salaries of such Officers, Assistants, and Clerks respectively.

PRINCIPAL DEPARTMENT.

THE MASTER [The Honourable DAVID PLUNKET].—To exercise the general Superintendence directed by this Act; to file and keep all Pleadings, Affidavits, and other Documents requiring to be filed, and not hereby expressly referred to any other Officer; to examine into, mark, and sign all Judgments, Assignments, Satisfactions, Revivals, and Re-docketings of Judgments;

Yearly Salaries.		
£	s.	d.

SCHEDULE (B.)—*continued.*

PRINCIPAL DEPARTMENT— <i>continued.</i>		Yearly Salaries.
		£ s. d.
to entertain and report upon all References; to strike Special Juries; to cause to be kept Books containing proper Entries of the marking Satisfaction and Assignment of Judgments, and all such Books as may be necessary for the due Discharge of the Business specially referred to him; to check the making of negative Searches, and to sign the Certificates thereof, [until Parliament shall otherwise provide for the Discharge of such Duties,] and all Certificates respecting the Matters hereby specially referred to him as his immediate Business; to prepare or cause to be prepared all Enrolments of the Records of the Court; to cause all Transcripts of Records for Trial at Nisi Prius, or for the Court of Error, to be examined and signed; and generally to do or cause to be done all official Business whatsoever of or belonging to the Offices of the Court, which it is not the proper Duty of the other Officers to do		1000 0 0
PRINCIPAL ASSISTANT [Mr. JOHN CAREY].—To examine and sign Records, Enrolments, and Writs after Judgment, and to aid the Master in the Business of marking Satisfaction and Assignment of Judgments, and in all Matters respecting Judgments generally		600 0 0
CLERK [	] to aid him	100 0 0
PLEADING DEPARTMENT.		
PLEADINGS ASSISTANT [Mr. MICHAEL CAREY].—To receive, file, and make Entries of Pleadings and Documents, to attest Copies thereof, and to attend generally to all Business connected therewith		300 0 0
CLERK to aid him	-	100 0 0
RECORD DEPARTMENT.		
RECORD ASSISTANT [Mr. ALEXANDER REID].—To have the Care and Custody of the Records and Judgment Rolls of the said Court, and of the Books of Record, containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information within		

SCHEDULE (B.)—*continued.*

RECORD-DEPARTMENT— <i>continued.</i>		Yearly Salaries.		
		£	s.	d.
the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office -		400	0	0
FIRST CLERK []	to make Entries in Books relating to Judgments -	200	0	0
SECOND CLERK	to aid as Occasion may require -	100	0	0
RULES-DEPARTMENT.				
CLERK OF THE RULES [Mr. JOSEPH REID].—To perform the present Duties of the Office, and also the Duties hitherto performed by the Clerk of the Recoveries in respect to Recoveries or the Acknowledgment of Deeds by married Women; and to take Recognizances, and administer the Oaths to all Persons requiring to be sworn in open Court -		600	0	0
ASSISTANT [Mr. WILLIAM M. MEE]	-	300	0	0
WRIT, APPEARANCE, AND SEAL DEPARTMENT.				
CLERK OF WRITS, APPEARANCES, and SEAL [Mr. JOHN CLANCY].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters, and to do all such Acts as properly belong to the said Offices -		600	0	0
ASSISTANT [Mr. JAMES LYNAM]	-	200	0	0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (C.)—*continued.*

RECORD DEPARTMENT.

	Yearly Salaries.		
	£	s.	d.
RECORD ASSISTANT [Mr. BLACKER CASTLES].—To have the Care and Custody of the Judgment Rolls of the said Court, and of the Books of Record, containing Entries of Judgments, Satisfactions, and Assignments, and all Matters relating thereto; to enter upon the Roll the Abstracts of Satisfactions and Assignments; to compile and number the Rolls in correspondence with the Entries relating thereto, so that they may be easy of Reference, and to produce the same for public Information within the Hours fixed by the Master; to aid the Master in checking Searches; and to do all such Acts as properly belong to his Office - - - -	400	0	0
FIRST CLERK [Mr. RICHARD PATTEN].—To make Entries in Books relating to Judgments -	200	0	0
SECOND CLERK [].—To aid as Occasion may require - - - -	100	0	0

RULES DEPARTMENT.

CLERK OF THE RULES [Mr. HENRY YEO junior].—Performing the present Duties of the Office -	600	0	0
ASSISTANT [Mr. EDWARD F. COOPER] - -	350	0	0
SECOND CLERK [] - - - -	100	0	0

WRIT, APPEARANCE, AND SEAL DEPARTMENT.

CLERK OF WRITS, APPEARANCES, AND SEAL [Mr. ARTHUR GREENE].—To enter and seal all Writs that issue from and are returnable into the Court; to receive, file, and enter Affidavits upon which Fiats are granted for Writs to hold to Bail; to receive, file, and enter all returned Writs; to receive and enter Appearances in a Book to be kept for that Purpose, as has been heretofore the Practice of the Appearance Office; to receive and file Affidavits to ground Parliamentary Appearances; to seal all Records and other Documents requiring to be sealed, according to the Practice heretofore observed; to register in a Book, similar to that hitherto kept in the Seal Office, Attornies Licences; to furnish and attest Copies of the said several Matters, and to do all such Acts as properly belong to said Offices - - - -	600	0	0
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SCHEDULE (C.)—*continued.*

WRIT, APPEARANCE, AND SEAL DEPARTMENT— <i>continued.</i>	Yearly Salaries.		
	£	s.	d.
ASSISTANT [Mr. WILLIAM YEO] - - -	200	0	0
CLERK [] - - -	80	0	0
<hr/>			
One CLERK for general Purposes, as may be directed by the Master - - -	80	0	0

The Appointments in this Schedule to which no Persons are nominated are to be filled up by the Master from amongst the Persons employed in the Establishments hereby abolished, who are not otherwise provided for; any Instruments by which such Appointments may be so filled not to be chargeable with any Stamp Duty.

SCHEDULE (D.)

TAXING OFFICE.	Yearly Salary.		
	£	s.	d.
TAXING OFFICER - - -	800	0	0
EXAMINER - - -	300	0	0
CLERK - - -	100	0	0

C A P. CVIII.

An Act to amend an Act of the Sixth Year of Her present Majesty, intituled *An Act to regulate the Irish Fisheries*; and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish Fisheries*.

[5th September 1844.]

6 & 7 W. 4. c. 13.
s. 15.

5 & 6 Vict. c. 106.

‘ WHEREAS an Act was passed in the Sixth Year of the
 ‘ Reign of His late Majesty, intituled *An Act to consolidate*
 ‘ *the Laws relating to the Constabulary Force in Ireland*, and it
 ‘ was thereby, among other things, provided, that no chief or other
 ‘ Constable or Sub-Constable appointed under that Act should be
 ‘ employed to enforce any Acts relating to the Laws for the Pre-
 ‘ servation of Fish, except only in Cases when forcible Resistance
 ‘ shall have been actually made, and proved by Information taken
 ‘ on Oath: And whereas an Act was passed in the Sixth Year of
 ‘ the Reign of Her present Majesty, intituled *An Act to regulate*
 ‘ *the Irish Fisheries*, whereby, among other things, certain Regu-
 ‘ lations for the general Preservation of the *Irish Fisheries* during

‘ certain Periods of the Year, and the Protection of the public Interests therein, were made; and it is expedient that the Constabulary Force shall be empowered to enforce such Regulations:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Officers and Men of the Constabulary Force in *Ireland* shall, any thing in the said first-recited Act to the contrary notwithstanding, have, for the Purpose only of enforcing the Regulations of the said recited Act of Her present Majesty’s Reign herein-after set forth, and of this Act, all such Powers, Privileges, and Authorities as are by such Act conferred upon Water Bailiffs duly appointed thereunder, but subject nevertheless to such Orders and Restrictions, in respect of their being employed to enforce such Regulations, as shall from Time to Time be made by the Inspector General of the said Constabulary Force, with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Constabulary Force empowered to carry into effect certain Regulations of the Fishery Act and of this Act.

II. And be it enacted, That the Regulations in enforcing which it shall be lawful to employ the Officers and Men of the said Constabulary Force shall be the Regulations herein-after mentioned; (that is to say,) all and singular the Regulations made by the said recited Act of Her present Majesty’s Reign and by this Act, or under any Authority derived therefrom, for the Observance and Enforcement of the several Periods fixed by or under Authority of such Acts as the annual Close Seasons for the Salmon Fishery, the Trout Fishery, the Eels Fishery, and Oyster Fishery respectively, and for the free Passage of Fish during such several annual Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such annual Close Seasons respectively; and also all and singular the Regulations made by the said recited Act, or any Authority derived therefrom, for the Observance and Enforcement of the several weekly Close Seasons fixed by such Act, in reference to inland Lakes and Rivers, and in reference to the Sea or any Estuary or Tideway respectively, and for the free Passage of Fish during such weekly Close Seasons, and requiring for that Purpose the making and maintaining of Openings, and the Removal of Obstructions, and directing certain Acts, Matters, and Things to be done, and prohibiting other Acts, Matters, and Things to be done, during and in relation to such weekly Close Seasons respectively; and also all and singular the Regulations of the said last-recited Act prohibiting any Person wilfully taking, selling, purchasing, or having in his Possession the Spawn, Smelts, or Fry of Salmon, or of Trout, or of Eels, or in any Way or by any Device wilfully obstructing the Passage of the said Smelts or Fry, or injuring or disturbing any such Spawn or Fry, or any Spawning Bed, Bank, or Shallow where the same may be; and also all and singular the Regulations of the said Act prohibiting any Person wilfully taking, killing, destroying, exposing to sale, or having in his Possession, any red, black, foul, unclean, or unseasonable Salmon or Trout; and also all and singular the Regulations of the said Act

Regulations for the Observance of the annual and weekly Close Seasons.

Regulations
against fishing
with Lights, &c.
at Night.

Inspector of
Fisheries em-
powered to
receive Evi-
dence to enable
Commissioners
to alter the
Close Seasons
in any River
or District.

prohibiting any Person, in any Season of the Year, in any Mill Pool or Mill Dam, or in any Works appurtenant to any Mill or Factory, or in any of the Watercourses leading the Water to or from such Mill or Factory, placing, laying, setting, or drawing any Net, Grate, Creel, or other Engine, or using any Means or Device whatsoever (save and except Rod and Line used subject to the Provisions of the said Act), for the Purpose of taking, destroying, or obstructing any Salmon or other Fish, or the Fry thereof; and also all and singular the Regulations of the said Act prohibiting the Proprietor or Tenant of any Eel Weir taking or suffering to be taken therein any Salmon or Trout, or Salmon or Trout Fry, or Spent Salmon; and also all and singular the Regulations of the said last-recited Act prohibiting, between Sun-set and Sun-rise, the having or using any Light or Fire, Spear, Gaff, Strokeall, or other such Instrument, with Intent to take Salmon or other Fish in or on the Banks of any Lake or River, or chasing, injuring, or disturbing Spawning Fish or Fish on Spawning Beds, or attempting to catch Fish in such Places (except with Rod and Flies only within the lawful Period), or damming or teeming or emptying any River or Mill-race for the Purpose of taking or destroying any Salmon or Trout, or the Fry thereof.

III. ' And whereas by the said last-recited Act it is provided, ' that the Commissioners for the Execution of the said Act may, if ' they shall so think fit, decide that the Period by the said Act ' appointed for the Close Time for the Fisheries in particular ' Localities shall cease, and that such other Period as shall be ' fixed upon by the said Commissioners as the Close Time for any ' of such Fisheries respectively shall be kept and observed in lieu ' thereof, or to alter the Period within which it shall not be lawful ' to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of ' Eel or other Weirs, or make use of fixed Engines for taking Eels: ' And whereas it is expedient for such Purpose to extend to the ' Inspectors of Fisheries appointed by the said Commissioners the ' Power to hear and receive Evidence, and to examine and inquire ' into the Subject of such Fisheries; be it therefore enacted, That ' it shall and may be lawful for any Inspector of Fisheries by the ' said Commissioners duly appointed, at the Direction and by the ' Order of the said Commissioners, to attend at any Meeting by ' the said Commissioners convened respecting the Fisheries in any ' particular Locality; and that the said Inspector of Fisheries shall ' hear and receive all such pertinent Evidence as shall be offered to ' him upon the Subject of the said Fisheries, and shall examine and ' inquire into the same upon Oath (which Oath the said Inspector ' is hereby authorized and empowered to administer), or otherwise, ' and by all such Means as may be deemed expedient by him, or as ' shall be by the said Commissioners in that Behalf directed; and ' that the said Inspector shall, within One Month after the said ' Meeting shall have taken place, faithfully report to the said Com- ' missioners all the Evidence he shall have so received, and the ' Result of such Examination and Inquiry; and that it shall and ' may be lawful for the said Commissioners to act upon such ' Evidence, Examination, and Inquiry as if the same had been ' heard, taken, received, and made by the said Commissioners ' themselves.

IV. ' And

IV. ' And whereas it is expedient that the said Commissioners should be authorized to alter Close Seasons on shorter Notice than in and by the said Act directed;' be it enacted, That it shall and may be lawful for the said Commissioners to alter the Close Time for the Fishery in any particular Locality, and that such other Period as shall be fixed upon by the said Commissioners as the Close Time for any Fishery in any Locality shall be kept and observed in such Locality in lieu thereof, and to alter the Period within which it shall not be lawful to hang any Coghill or other Nets in the Gaps, Eyes, or Sluices of Eel or other Weirs, or make use of fixed Engines for taking Eels, upon calling a Meeting of the Persons possessed of or interested in any such Fishery, giving Notice of the Day and Place appointed for such Meeting, not less than Fourteen Days from the Date of such Notice, by printed Handbills and Advertisement twice at least in some Newspaper published and circulating in the County or several Counties within which or on the Coast whereof such Fishery is in whole or in part situated, any thing in the said Act of the Sixth Year of the Reign of Her present Majesty requiring a longer or other Notice to the contrary notwithstanding.

Commissioners empowered to alter Close Season on shorter Notice than by last-recited Act directed.

V. ' And whereas it is by the said last-recited Act further enacted, that it shall not be lawful for any Person between the First Day of *May* and the First Day of *September* in any Year to dredge for, take, catch, or destroy any Oyster or Oyster Brood, save and except when the Season for taking the same shall be changed by the said Commissioners, according to the Provisions of the said last-recited therein-after mentioned Act; and it is expedient, for the Preservation, Protection, and Improvement of the Oyster Fisheries of *Ireland*, that in certain Localities the Power to dredge, fish for, or take Oysters should be suspended and prohibited for certain Periods;' be it therefore enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, upon the Application of any Person interested in any Oyster Fishery in any particular Locality, to call a Meeting of the Persons possessed of or interested in such Oyster Fishery, after giving Notice of such Meeting in the Manner by the said last-recited Act directed with respect to changing the Periods within which it shall not be lawful to fish in Fisheries in particular Localities, and issuing such Summonses as is by the said last-recited Act in that Behalf directed, and by themselves or their Inspector hearing and receiving all such pertinent Evidence as shall be offered to them or him on the Subject of the said Fishery, and examining and inquiring into the same upon Oath, or otherwise to decide upon, fix, and appoint a Period, not exceeding the Term of Three Years, within which it shall not be lawful to dredge for, take, catch, or destroy any Oyster or Oyster Brood in such Locality.

Power to Commissioners to suspend, for a fixed Period, the Oyster Fishery in any particular Locality.

VI. And be it enacted, That such Decision shall take effect and shall be published at the Time and in the Manner by the said Act directed as to the Decision of the said Commissioners respecting the Close Time of any District, Lake, or River.

Such Decision to be published.

VII. ' And whereas it is enacted by the said Act of the Fifth and Sixth of Her present Majesty, that no Person shall, at any Time between Sun-rise and Sun-set, set, either in the Sea or

Use of Seine Net lawful for Herrings.

‘ within the Tideway in any Estuary, any Sea Net for the catching
 ‘ of Herrings, or any Trammel Net, or leave any Drag or other Net
 ‘ in the Water, between Sun-rise and Sun-set, except Stake or
 ‘ Fixed Nets for the catching of Salmon as therein-after provided,
 ‘ and save also Seines or Drift Nets for Pilchards or Fish other
 ‘ than Herrings: And whereas it has been found expedient to
 ‘ permit, under certain Restrictions, the Use of Seine Nets for
 ‘ the taking of Herrings;’ be it therefore enacted, That, notwith-
 ‘ standing any thing in the said recited Act to the contrary, it shall
 ‘ and may be lawful to and for all Persons to use Seine Nets for the
 ‘ catching of Herrings, save and except in such Places and at such
 ‘ Times as shall or may hereafter be forbidden by any Bye Law,
 ‘ Rule, or Regulation to be hereafter made by the said Commis-
 ‘ sioners.

When the Com-
 missioners have
 defined the
 Mouth of any
 River, a Copy
 of such Defi-
 nition to be
 deposited with
 the Clerk of
 the Peace;

and a certified
 Copy thereof
 to be Evidence.

Act may be
 amended, &c.

VIII. ‘ And whereas by the said Act of the Sixth Year of Her
 ‘ present Majesty the Commissioners for the Execution thereof are
 ‘ authorized and empowered to define the Mouths of Rivers under
 ‘ the Circumstances and for the Purposes therein mentioned; and
 ‘ it is expedient to provide for the due Publication of all Defi-
 ‘ nitions to be so made by the said Commissioners, and Proof
 ‘ thereof in all Courts of Law or Justice;’ be it therefore enacted,
 ‘ That when and so soon as the said Commissioners shall and may
 ‘ from Time to Time define the Mouth or Entrance of any River,
 ‘ under the Provisions of the said Act, a Copy of the Definition to
 ‘ be so made shall be deposited with the Clerk or Clerks of the Peace
 ‘ for the County or Counties in which the Mouth or Entrance of
 ‘ such River as so defined shall be situated; and in all Cases when
 ‘ it shall hereafter become necessary to prove such Definition in any
 ‘ Court of Law or Justice or elsewhere, a Copy, obtained from the
 ‘ Office of any Clerk of the Peace with whom the same may be
 ‘ lodged, and certified by him to be a true Copy thereof, shall be
 ‘ received and taken as full and sufficient Evidence of the Existence
 ‘ of such Definition.

IX. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in this present Session of Par-
 liament.

C A P. CIX.

An Act to indemnify Persons connected with Art Unions, and
 others, against certain Penalties. [5th September 1844.]

‘ WHEREAS certain voluntary Associations have been formed
 ‘ in various Parts of the United Kingdom under the Name
 ‘ of Art Unions, for the Purchase of Pictures and other Works of
 ‘ Art, to be afterwards allotted and distributed, by Chance, Lot,
 ‘ or otherwise, among the several Members, Subscribers, or Con-
 ‘ tributors constituting or forming Part of such Associations, or
 ‘ for raising Sums of Money by Subscription, to be distributed by
 ‘ Lot as Prizes amongst the Members, Subscribers, or Contributors
 ‘ forming Part of such Associations, on the Condition, neverthe-
 ‘ less, that such Prizes be expended solely and entirely in the
 ‘ Purchase of Pictures or other Works of Art: And whereas
 ‘ other Persons, either conjointly or separately, have also obtained
 ‘ Funds from Subscribers, on Condition of such Persons dis-
 ‘ tributing

‘tributing by Lot or otherwise certain Pictures, Engravings, or other Works of Art among the Subscribers last aforesaid: And whereas such Distributions of Works of Art, and the Proceedings taken to carry the same into effect, may be deemed and taken to come within the Provisions of the several Acts of Parliament passed for the Prevention of Lotteries, Littlegoes, and unlawful Games, whereby the Members of such Art Unions as aforesaid, or other Persons acting as Distributors of Works of Art as aforesaid, may be liable or subjected to certain Pains and Penalties imposed by Law on Persons concerned in Lotteries, Littlegoes, and unlawful Games: And whereas it is expedient that all Members, Subscribers, Contributors, Distributors, and other Persons belonging to such voluntary Associations or Art Unions as aforesaid, or acting under their Authority or Direction, or on their Behalf, and all other Persons acting as Distributors of Works of Art as aforesaid, or Persons acting under their Authority or on their Behalf, shall be discharged and protected from any Pains and Penalties to which they may have rendered themselves liable, or to which they may become liable, by reason of any such their Proceedings as aforesaid:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Art Unions, and all Members, Contributors, Subscribers, Distributors, or Officers thereof, and Persons acting for them or on their Behalf, and all other Persons acting as Distributors of Works of Art as aforesaid, or Persons acting under their Authority or on their Behalf, shall, so far as relates to Persons other than Members of the said Art Unions, or Persons acting on their Behalf, be discharged and freed from all Suits, Prosecutions, Liabilities, Pains, and Penalties to which by Law they may be liable as being concerned in Lotteries, Littlegoes, or unlawful Games, for any thing done or which may be done by them or any of them herebefore or before the First Day of *October* next ensuing the passing of this Act; and as to all other Persons, being Members of the said Art Unions as aforesaid, they shall be discharged and freed from all Suits and Prosecutions, Liabilities, Pains, and Penalties to which by Law they might be liable as being concerned in Lotteries, Littlegoes, or unlawful Games, for any thing done or which may be done by them or any of them herebefore or before the Thirty-first Day of *July* next, touching the Purchase of any such Pictures or other Works of Art, or the Sale or Distribution thereof by Chance or Lot.

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

Art Unions, and the Members thereof, and other Persons, discharged from all Suits, &c. to which they might be liable touching the Purchase or Distribution of Works of Art by Chance previous to the Periods herein mentioned.

Act may be amended, &c.

C A P. CX.

An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies. [5th *September* 1844.]

‘**W**HEREAS it is expedient to make Provision for the due Registration of Joint Stock Companies during the Formation and Subsistence thereof; and also, after such complete Registration

‘gistration as is herein-after mentioned, to invest such Companies with the Qualities and Incidents of Corporations, with some Modifications, and subject to certain Conditions and Regulations; and also to prevent the Establishment of any Companies which shall not be duly constituted and regulated according to the Provisions of this Act.’ Now be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall come into operation at the following Times; that is to say, as to the Officers to be appointed in pursuance hereof for the Registration of Companies, and the Regulation of the Office hereby provided for that Purpose, immediately on the passing hereof; and as to all Companies to which this Act is to apply, and all other the Provisions herein-after contained, except such as relate to such Officers and Office as aforesaid, on the First Day of *November* in the Year One thousand eight hundred and forty-four.

General Provisions.

Operation of Act as to Time.

Operation of Act as to Companies.

Application of Term “Joint Stock Company.”

Future Companies.

II. And be it enacted, That this Act shall apply to every Joint Stock Company, as herein-after defined, established in any Part of the United Kingdom of *Great Britain* and *Ireland* except *Scotland*, or established in *Scotland* and having an Office or Place of Business in any other Part of the United Kingdom, for any commercial Purpose, or for any Purpose of Profit, or for the Purpose of Assurance or Insurance (except Banking Companies, Schools, and Scientific and Literary Institutions, and also Friendly Societies, Loan Societies, and Benefit Building Societies, respectively duly certified and enrolled under the Statutes in force respecting such Societies, other than such Friendly Societies as grant Assurances on Lives to the Extent herein-after specified); and that the Term “Joint Stock Company” shall comprehend,—

Every Partnership whereof the Capital is divided or agreed to be divided into Shares, and so as to be transferable without the express Consent of all the Copartners; and also, Every Assurance Company or Association for the Purpose of Assurance or Insurance on Lives, or against any Contingency involving the Duration of Human Life, or against the Risk of Loss or Damage by Fire, or by Storm or other Casualty, or against the Risk of Loss or Damage to Ships at Sea or on Voyage, or to their Cargoes, or for granting or purchasing Annuities on Lives; and also every Institution enrolled under any of the Acts of Parliament relating to Friendly Societies, which Institutions shall make Assurances on Lives, or against any Contingency involving the Duration of Human Life to an Extent upon One Life or for any One Person to an Amount exceeding Two hundred Pounds, whether such Companies, Societies, or Institutions shall be Joint Stock Companies or Mutual Assurance Societies, or both; and also, Every Partnership which at its Formation, or by subsequent Admission (except any Admission subsequent on Devolution or other Act in Law), shall consist of more than Twenty-five Members:

And that, except where the Provisions of this Act are expressly applied to Partnerships existing before the said First Day of *November*,

November, it shall be held to apply only to Partnerships the Formation of which shall be commenced after that Date: Provided nevertheless, that, except as herein-after specially provided, this Act shall not extend to any Company for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock which cannot be carried into execution without obtaining the Authority of Parliament: Provided also, that, except as herein-after is specially provided, this Act shall not extend to any Company incorporated or which may be hereafter incorporated by Statute or Charter, nor to any Company authorized or which may be hereafter authorized by Statute or Letters Patent to sue and be sued in the Name of some Officer or Person.

Companies for executing Parliamentary Works.

Incorporated Companies.

III. And be it declared, That the following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; that is to say,

Construction of Words.

The Word "Company," to mean any Joint Stock Company or other Institution, as before defined:

The Expression "Assurance Company," to mean any Assurance Company, Association, or Institution, as before defined:

The Word "Directors" to mean the Persons having the Direction, Conduct, Management, or Superintendence of the Affairs of a Company:

The Expression "Promoter," or "Promoter of a Company," to apply to every Person acting by whatever Name in the forming and establishing of a Company at any Period prior to the Company obtaining a Certificate of complete Registration as herein-after mentioned:

The Word "Subscriber" to mean any Person who shall have agreed in Writing to take or have taken any Shares in a proposed Company or in a Company formed, and who shall not have executed the Deed of Settlement, or a Deed referring thereto:

The Word "Shareholder" to mean any Person entitled to a Share in a Company, and who has executed the Deed of Settlement, or a Deed referring to it, or, in the Case of Mutual Assurance Societies, any Person who shall be an assured Member thereof:

The Word "Person" to apply to Bodies Politic or Corporate, whether sole or aggregate:

The Expression "Commissioners of the Treasury" to apply to the Lord High Treasurer for the Time being, or the Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them:

The Expression "Committee of Privy Council for Trade" to mean the Lords of the Committee of Her Majesty's Privy Council for the Consideration of all Matters of Trade and Plantations:

The Expression "Secretary of the Committee" to mean One of the Joint Assistant Secretaries of the said Committee of Privy Council for Trade:

General Provisions.

The Word "Justice" to mean a Justice of the Peace for the County, City, Borough, Liberty, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter :

The Expression "special Authority" to mean any Deed of Settlement, Bye Laws, Letters Patent, Charter, or Local and Personal Act of Parliament, by which Powers are conferred or Regulations prescribed with reference to any individual Company :

The Word "prescribed" to mean provided for by special Authority :

The Word "Month" to mean Calendar Month :

The Expression "Superior Courts" to mean Her Majesty's Superior Courts of Law or Equity in *England or Ireland* :

The Word "Occupation," when applied to any Person, to mean his Trade or Following, and, if none, then his Rank or usual Title, as Esquire, Gentleman :

The Expression "Place of Residence" to include the Street, Square, or Place where the Party shall reside, and the Number (if any) or other Designation of the House in which he shall so reside :

The Word "Oath" to include Affirmation or other Declaration lawfully substituted for an Oath :

And generally, whensoever, with regard to any Matter, or to any Function in respect thereof, the Name of an Officer (whether a public Officer or an Officer of a Company) ordinarily having Cognizance of such Matter, or ordinarily exercising such Function, is mentioned, such Reference is to be understood to apply as well to any other Person or Officer who may have Cognizance of such Matter, or exercise such Function in respect of such Matter :

And, subject as aforesaid to the Context and to the Nature of the Subject Matter, Words denoting the Singular Number are to be understood to apply also to a Plurality of Persons or Things, and Words denoting the Masculine Gender are to be understood to apply also to Persons of the Feminine Gender.

Registration of Companies.

Provisional Registration :

Returns by Promoters of Companies.

IV. And be it enacted, That before proceeding to make public, whether by way of Prospectus, Handbill, or Advertisement, any Intention or Proposal to form any Company for any Purpose within the Meaning of this Act, whether for executing any such Work as aforesaid under the Authority of Parliament, or for any other Purpose, it shall be the Duty of the Promoters of such Company and they or some of them are hereby required to make to the Office hereby provided for the Registration of Joint Stock Companies (and herein-after called the Registry Office) Returns of the following Particulars according to the Schedule (C.) hereunto annexed ; that is to say,

1. The proposed Name of the intended Company ; and also,
2. The Business or Purpose of the Company ; and also,
3. The Names of its Promoters, together with their respective Occupations, Places of Business (if any), and Places of Residence ;

And

And also the following Particulars, either before or after such Publication as aforesaid, when and as from Time to Time they shall be decided on ; viz.,

*Registration
of Companies.*

4. The Name of the Street, Square, or other Place in which the provisional Place of Business or Place of Meeting shall be situate, and the Number (if any) or other Designation of the House or Office ; and also,
5. The Names of the Members of the Committee or other Body acting in the Formation of the Company, their respective Occupations, Places of Business (if any), and Places of Residence, together with a written Consent on the Part of every such Member or Promoter to become such, and also a written Agreement on the Part of such Member or Promoter, entered into with some One or more Persons as Trustees for the said Company, to take One or more Shares in the proposed Undertaking, which must be signed by the Member or Promoter whose Agreement it purports to be (but such Agreements need not be on a Stamp); and also,
6. The Names of the Officers of the Company and their respective Occupations, Places of Business (if any), and Places of Residence ; and also,
7. The Names of the Subscribers to the Company, their respective Occupations, Places of Business (if any), and Places of Residence ; and also, before it shall be circulated or issued to the Public,
8. A Copy of every Prospectus or Circular, Handbill or Advertisement, or other such Document at any Time addressed to the Public, or to the Subscribers or others, relative to the Formation or Modification of such Company ;
9. And afterwards, from Time to Time, until the complete Registration of such Company, a Return of a Copy of every Addition to or Change made in any of the above Particulars :

And that upon such Registration of at the least the Three Particulars first before mentioned the Promoters of such Company shall be entitled to a Certificate of provisional Registration.

Certificate of
provisional
Registration.

V. And be it enacted, That if for a Period of One Month after the Particulars hereby required to be registered, or any of them, shall have been ascertained or determined, the Promoters of any Company fail to register such Particulars, then, on Conviction thereof, any Promoter as aforesaid shall be liable to forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty as to
delaying Regis-
tration.

VI. Provided always, and be it enacted, That if the Promoters of a proposed Company appoint a Person, being an Attorney or Solicitor of One of Her Majesty's Superior Courts of Law or Equity, to be Solicitor for the Promoters of such Company, and return to the said Registry Office a Duplicate of such Appointment in Writing, signed by some One or more of such Promoters, together with a Duplicate of the Acceptance of such Appointment, signed by the Person so appointed, then, until a Duplicate of the Revocation or of the Resignation of such Appointment be returned in like Manner, so signed as aforesaid, or until the Decease of such Solicitor, all Returns by this Act required to be made by such Promoters

Relief from
Penalties to
Promoters by
the Appoint-
ment of a Soli-
citor to make
Returns.

Return of Ap-
pointment and
Acceptance.

Registration of Companies.

Penalty on Solicitor failing to make Returns.

Promoters shall be made by such Solicitor in their Behalf, and the Penalty herein-before imposed in respect of any Failure to make such Returns shall not be incurred by them; and that if within the Period of One Month after the Particulars hereby required to be registered, or any of them, shall have been ascertained or determined, such Solicitor fail to make such Returns, then he shall be liable to forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if it be made to appear to the Court to which he shall belong that he fraudulently omitted to make a Return of any such Particulars, then he shall be liable to be suspended from Practice for any Time to be appointed by the said Court, or to be struck off the Rolls of the said Court.

Complete Registration:

Constitution of Companies.

Provisions of Deeds of Settlements.

VII. And be it enacted, That it shall not be lawful for any Joint Stock Company hereafter to be formed for any Purpose within the Meaning of this Act, whether for executing any such Work as aforesaid under the Authority of Parliament, or for any other Purpose, to act otherwise than provisionally in accordance with this Act until such Company shall have obtained a Certificate of complete Registration as herein-after provided; and no Joint Stock Company shall be entitled to receive a Certificate of complete Registration unless it be formed by some Deed or Writing under the Hands and Seals of the Shareholders therein; and in or by such Deed there must be appointed not less than Three Directors, and also One or more Auditors; and such Deed must set forth in a Schedule thereto, in a tabular Manner, according to the Order herein-after mentioned, the following Particulars; that is to say,

1. The Name of the Company; and also,
2. The Business or Purpose of the Company; and also,
3. The principal or only Place for carrying on such Business, and every Branch Office (if any); and also,
4. The Amount of the proposed Capital, and of any proposed additional Capital, and the Means by which it is to be raised; and where the Capital shall not be Money, or shall not consist entirely of Money, then the Nature of such Capital and the Value thereof shall be stated; and also,
5. The Amount of Money (if any) to be raised or authorized to be raised by Loan; and also,
6. The total Amount of the Capital subscribed or proposed to be subscribed at the Date of such Deed; and also,
7. The Division of the Capital (if any) into equal Shares, and the total Number of such Shares, each of which is to be distinguished by a separate Number in a regular Series; and also,
8. The Names and Occupations and (except Bodies Politic) the Places of Residence of all the then Subscribers, according to the Information possessed by the Officers of the Company in respect of such Names and Occupations and Places of Residence; and also,
9. The Number of the Shares which each Subscriber holds, and the distinctive Numbers thereof, distinguishing the Numbers of the Shares on which the Deposit has been paid from those on which it has not been paid; and also,
10. The

10. The Names of the then Directors of the Company, and of the then Trustees of the Company (if any), and of the then Auditors of the Company, together with their respective Places of Business (if any), Occupations, and Places of Residence; and also,

Registration of Companies.

11. The Duration of the Company, and the Mode or Condition of its Dissolution:

And that such Deed must contain a Covenant on the Part of every Shareholder, with a Trustee on the Part of the Company, to pay up the Amount of the Instalments on the Shares taken by such Shareholder, and to perform the several Engagements in the Deed contained on the Part of the Shareholders; and that such Deed must also make Provision for such of the Purposes set forth in Schedule (A.) to this Act annexed as the Nature and Business of the Company may require, and either with or without Provision for such other Purposes (not inconsistent with Law) as the Parties to such Deed shall think proper; and that every such Deed of Settlement must be signed by at least One Fourth in Number of the Persons who at the Date of the Deed have become Subscribers, and who shall hold at least One Fourth of the maximum Number of Shares in the Capital of the Company; and that every such Deed must be certified by Two Directors of the Company, by Writing endorsed thereon in the Form contained in the Schedule (B.) to this Act annexed; and that on the Production of such Deed, setting forth such Matters and making such Provisions as are hereby required to be provided for, and being so signed and certified, together with a complete Abstract or Index thereof, to be previously approved by the Registrar of Joint Stock Companies, and also a Copy of such Deed, for the Purpose of registering the same, or as soon after such Production as conveniently may be, the Registrar of Joint Stock Companies shall grant a Certificate of complete Registration, according to the Provisions of this Act in that Behalf; and unless such Deed and other Matters be so produced, and such Conditions be so performed, it shall not be lawful for him to grant such Certificate; and that after such Certificate shall be granted it shall be taken as Evidence of the proper Provisions being inserted in such Deed, and of the Performance of the Conditions hereby required previously to the granting such Certificate of complete Registration; and that any Defect or Omission as regards the Matters hereby required in any Deed of Settlement may from Time to Time be supplied by a supplementary Deed or Deeds; and that if any such supplementary Deed be not inconsistent with or repugnant to this Act, or any Act respecting Joint Stock Companies, and if it be duly registered, then it shall have the same Effect as if there were only One Deed for the Purposes of this Act; and that unless the same shall be registered it shall be of no Force or Effect.

Covenant to pay Instalments on Shares, &c.

Provision in Deed for Purposes in Schedule (A.)

Execution of Deed of Settlement.

Authentication of Deed.

Registration of Deed.

Supplementary Deed.

VIII. And be it enacted, That if any Deed of Settlement or supplementary Deed of Settlement, whether made before or after the granting of the Certificate of complete Registration, appear to such Registrar of Joint Stock Companies to be insufficient by reason of the Omission or Incompleteness of any of the Provisions therein contained for the Purposes set forth in the said Schedule (A.), or if the Deed contain Provisions which appear to such

Notification of Incompleteness of Deeds of Settlement.

Registrar

*Registration
of Companies.*

Companies for
executing Par-
liamentary
Works to regis-
ter Copies of
Documents
required to be
deposited by
the Standing
Orders.

Certificate of
complete
Registration.
Further Regis-
tration :

Returns of
further Deeds
and Changes.

Penalty.

Half-yearly
Returns of
Changes and
Additions of
Members.

Registrar to be inconsistent with or repugnant to this Act, or any Act for the Time being in force respecting Joint Stock Companies, then as soon thereafter as conveniently may be such Registrar shall notify the same in Writing to the Persons or to the Company by whom the Deed shall have been presented for Registration, specifying in such Notification the Particulars wherein such Deed of Settlement or supplementary Deed of Settlement is incomplete, or inconsistent with or repugnant to any such Act as aforesaid.

IX. Provided always, and be it enacted, That if any Company for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock, which cannot be carried into execution without the Authority of Parliament, deposit at the proper Offices of the Two Houses of Parliament, in compliance with the Standing Orders of such Houses respectively, and at or within the Time required by such Standing Orders, such Deeds of Partnership or Subscription Contracts as shall be required to be deposited by such Standing Orders, and also return to the said Registry Office a Copy of such Deeds of Partnership or Subscription Contracts, together with such Certificate of the Receipt of such Plans, Sections, and Books of Reference as shall be appointed by the said Committee of Privy Council for Trade, then it shall be lawful for the Registrar of Joint Stock Companies and he is hereby required to accept the same instead of the Deed of Settlement by this Act required to be returned for the Purpose of obtaining a Certificate of complete Registration; and thereupon such Company shall be entitled to a Certificate of complete Registration accordingly.

X. And be it enacted, That throughout the Continuance of any Joint Stock Company completely registered under this Act, except such Companies as shall have been incorporated by Act of Parliament after complete Registration and within One Month after the Date of any new or supplementary Deed of Settlement, there shall be transmitted by the Directors of every such Company to the Registrar of Joint Stock Companies a Copy of such new or supplementary Deed of Settlement, together with a complete Abstract thereof so approved of as aforesaid; and within Six Months after any Change shall have taken place in any of the Particulars herein-before required to be set forth in the Schedule to the Deed of Settlement, except so far as respects the Shareholders thereof and their respective Shares, there shall be transmitted Returns of such Particulars, so far as the same shall have been changed; and if within such Period any such Return be not made, then, on Conviction thereof, every Director of such Company shall be liable to pay a Sum not exceeding Twenty Pounds.

XI. And be it enacted, That in the Months of *January* and *July* in every Year the Directors of every Joint Stock Company completely registered under this Act, except Companies which shall have been incorporated by Act of Parliament after complete Registration, shall make or cause to be made the following Returns to the Registrar of Joint Stock Companies; namely,

A Return according to the Schedule (E.) hereunto annexed, and containing the Particulars therein set forth, of every Transfer of any Share in such Company which shall have been made since

since the preceding half-yearly Return (or, in the Case of the first of such Returns made by such Company, since the complete Registration thereof), and which shall have come to the Knowledge of the Directors :

*Registration
of Companies.*

And also a Return according to the Schedule (F.) hereunto annexed, and containing the Particulars therein set forth, of the Names and Places of Abode of all Persons who shall either have ceased to be Shareholders of such Company, or have become Shareholders of such Company otherwise than by a Transfer as aforesaid, since the preceding half-yearly Return, or since the complete Registration of the Company, as the Case may require, and also of the Changes in the Names of all Shareholders of such Company whose Names shall have been changed by Marriage or otherwise since the last preceding half-yearly Return, or since the complete Registration of the Company, as the Case may require :

And if within any such Period any such Return be not made, then, on Conviction thereof, every Director of such Company shall be liable to pay a Sum not exceeding Twenty Pounds.

Penalty.

XII. And be it enacted, That if at any Time any Party to a Transfer of a Share request in Writing the Directors of any such Company to make a Return thereof, then forthwith on such Request the Directors shall make the same accordingly ; and that on Proof of such Transfer and such Request to the Satisfaction of the Registrar of Joint Stock Companies it shall be lawful for any such Party to make a Return of such Transfer, which shall be received, marked, and registered, and with the same Effect, as hereby provided in the Case of Returns made by such Companies.

Returns made
by Request.

XIII. And be it enacted, That until the Return of the Transfer or other Fact or Event whereby a Person becomes the Holder of any Shares be made, pursuant to the Provisions herein-before contained, it shall not be lawful for such Company, its Directors or Officers, if such Fact or Event be known to them respectively, to pay to any such Person any Part of the Profits of the Concern, nor for any such Person to sue for or recover any Part of the Profits arising in respect of such Share, or in anywise to act as a Shareholder ; and that until the Return of the Transfer of any Share shall have been made pursuant to the Provisions herein-before contained the Person whose Share shall have been thereby transferred shall, so far as respects his Liability to the Debts and Engagements of the Company, and also as respects the Reimbursement of any Loss, Damages, Costs, and Charges he may incur thereby, be deemed to continue a Shareholder of such Company.

Restriction of
Rights of Share-
holders by Non-
registration of
Shares trans-
ferred.

XIV. And be it enacted, That annually in the Month of *January* in every Year every Company completely registered under this Act, except Companies which shall have been incorporated by Act of Parliament after complete Registration, shall make to the said Registry Office a Return of the Name and Business of the Company ; and that on the Receipt of such Return the Registrar of Joint Stock Companies shall give a Certificate thereof ; and that if within the further Period of One Month such Return be not made, then, on Conviction thereof, such Company shall be liable to pay a Sum not exceeding Twenty Pounds : Provided always, that it shall be lawful for the Lords of the said Committee, on the Appli-
cation

Continuance of
Liability of
Shareholder
transferring.

Periodical
Registration
of Companies.

Penalty.

Registration of Companies.

Returns generally:

Evidence of Registration.

Certificates of Registration.

Effect of Certificate as Evidence.

Authentication of Returns.

Regulations as to Returns.

Regulations to apply to all Companies.

Inspection of Returns at Registry Office.

cation of any Company, to appoint any other Period of the Year for the making of such annual Return as aforesaid.

XV. And be it enacted, That when the Particulars and Documents severally by this Act required to be returned to the said Registry Office shall have been so returned, it shall be the Duty of the said Registrar of Joint Stock Companies and he is hereby required to cause to be written on every such Document and Return of Particulars brought to him for Registration the Day of the Receipt thereof, and to cause to be marked on every such Return or Document, in Writing or otherwise, a Number denoting the Order in which the same was received, and also, upon Demand, to cause an Acknowledgment of the Receipt of such Return or Document to be given to the Person by whom the same shall be so brought; and that if such Returns or Documents be conformable to the Provisions of this Act, or of any Regulations in that Behalf, then it shall be the Duty of the Registrar and he is hereby required forthwith to register the same, and, on Demand, to grant to such Company a Certificate of provisional or complete Registration, as the Case may require, signed by him, and sealed with the Seal of his Office; which Certificate must set forth whether the Company has been constituted provisionally or completely; and that, in the Absence of Evidence to the contrary, any such Certificate, or a Copy of any such Return as aforesaid, shall be received in Evidence, without Proof of the Signature thereto, or of the Seal of Office affixed thereto.

XVI. And be it enacted, That until the Company shall have obtained its Certificate of complete Registration the Promoters of the Company, or their Solicitor as aforesaid, shall make or cause to be made every Return by this Act required to be made; and after such Company shall have obtained a Certificate of complete Registration the Directors of the Company shall make or cause to be made every such Return; and One or more of such Promoters, or their Solicitor, or such Directors, as the Case may be, shall sign such Return; and every such Return which shall be made after complete Registration of the Company shall be sealed with the Seal of the Company.

XVII. And be it enacted, That if the Committee of Privy Council for Trade shall deem it expedient, then it shall be lawful for the said Committee and they are hereby authorized from Time to Time to make Regulations respecting the Form of any such Returns as are hereby directed to be made, and the Manner and Time of making them, and for those Purposes to alter and vary the Schedules annexed to this Act, and to dispense with any of the Returns hereby made necessary, or any of the Forms of Returns prescribed by this Act; and that every such Regulation shall be published in the *London Gazette*, and thereupon shall be of the like Force as if the same were contained in this Act: Provided always, that nothing herein contained shall be construed to permit the said Committee to make any such Regulations which shall not apply alike to all such Companies as may be registered under the Authority of this Act, so far as the same may be applicable to them.

XVIII. And be it enacted, That every Person shall be at liberty to inspect the Returns, Deeds, Registers, and Indexes which shall

shall be made to or kept by the said Registrar of Joint Stock Companies; and that there shall be paid for such Inspection such Fees as may be appointed by the Commissioners of Her Majesty's Treasury in that Behalf, not exceeding One Shilling for each such Inspection; and that any Person shall be at liberty to require a Copy or Extract of any such Return or Deed, to be certified by the said Registrar; and there shall be paid for such certified Copy or Extract such Fee as the Commissioners of Her Majesty's Treasury may appoint in that Behalf, not exceeding Sixpence for each Folio of such Copy or Extract; and that in all Courts of Law and Equity and elsewhere every such Copy or Extract so certified shall be received in Evidence, without Proof of the Signature thereto, or of the Seal of Office affixed thereto.

Registration of Companies.

Certified Copies or Extracts.

Legal Effect thereof.

XIX. And be it enacted, That it shall be lawful for the Committee of Privy Council for Trade and they are hereby empowered to appoint a Person to be and to be called the Registrar of Joint Stock Companies, and, if the said Committee see fit, an Assistant Registrar, Clerks, and other necessary Officers and Servants; and that every such Registrar and Assistant Registrar, Clerks, and Officers shall be entitled to hold their Offices during the Pleasure only of the said Committee; and that from Time to Time it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized to fix the Salary or Remuneration of such Registrar, Assistant Registrars, Clerks, Officers, and Servants; and that, subject to the Provisions of this Act, it shall be lawful for the said Committee of Privy Council for Trade and they are hereby authorized to make Rules for regulating the Execution of the Office of the said Registrar; and that such Registrar shall have a Seal of Office to be by him used in the Authentication of all Matters relating to his said Office in respect of which such Authentication is by this Act required; and that such Assistant Registrar shall in the Absence of the Registrar be competent to do all Things which the Registrar is authorized or empowered, directed, or required to do, as fully and effectually to all Intents and Purposes as the Registrar himself may do; and all Provisions in this Act relating to the Signature and Seal of Office of the said Registrar shall apply to the said Assistant Registrar: Provided always, that the Registrar shall not be absent from the Duties of his Office, except on account of ill Health or other urgent Cause, without express Leave in Writing of the said Committee of Privy Council for Trade for that Purpose previously obtained.

Office for Registration:

Appointment of Registrar, &c. of Joint Stock Companies.

Assistant Registrar.

Leave of Absence.

XX. And be it enacted, That from the Hour of Ten of the Clock in the Morning until Five of the Clock in the Afternoon, and at such other Times as the said Committee of Privy Council for Trade shall appoint, such Registrar, or in the unavoidable, or, as aforesaid, permitted Absence of the Registrar, then such Assistant Registrar, shall give his Attendance at the said Office every Day throughout the Year, except *Sundays, Good Friday, Christmas Day*, and any other general Holiday or Fast Day appointed by Her Majesty in Council.

Registrar's Office Attendance.

XXI. And be it enacted, That every Company shall pay the following Fees; (that is to say,)

Fees of Registration.

For a Certificate of provisional Registration the Sum of Five Pounds:

For

Registration of Companies.

For a Certificate of complete Registration the Sum of Five Pounds; and One Shilling additional in respect of every Thousand Pounds Value of Capital, as declared on the Formation of the Company in the Deed of Settlement, or by any other special Authority :

For an annual Certificate the Sum of One Pound :

Commissioners of Treasury may fix other Fees.

And also such other Fees as shall be appointed to be paid in respect of any other Services to be performed by the said Registrar; and that from Time to Time it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized, in addition to the Fees herein-before required to be paid in respect of such Certificates, to fix such other Fees to be paid for the Services to be performed by the Registrar of Joint Stock Companies as they shall deem requisite to defray both the Expences of the said Office and the Salaries or other Remuneration of the said Registrar and of any other Persons employed under him, with the Sanction of the said Commissioners of Her Majesty's Treasury, in the Execution of this Act; and that the Balance, if any, shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and be paid accordingly into the Receipt of Her Majesty's Exchequer at *Westminster*; and that it shall be lawful for the said Commissioners of Her Majesty's Treasury to regulate the Manner in which such Fees are to be received, and in which they are to be kept, and in which they are to be accounted for: Provided always, that if within Two Years after a Company shall have obtained a Certificate of complete Registration such Company shall obtain an Act for the Incorporation thereof, then Three Fourths of the Fee paid by or on behalf of such Company on such complete Registration in respect of the Capital of the Company shall be reimbursed and repaid to the said Company, and that it shall be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized and empowered to repay the same accordingly.

Balance to go to Consolidated Fund.

Regulation of Fees.

Return of Three Fourths of the Fee on Capital to Companies obtaining Acts.

Repayment by Treasury.

Extortion a Misdemeanor.

XXII. And be it enacted, That if either the said Registrar of Joint Stock Companies, or any Person employed under him, either demand or receive any Gratuity or Reward in respect of any Service performed by him other than the Fees aforesaid, then for every such Offence every such Registrar or Person shall be guilty of a Misdemeanor.

Powers and Privileges of Companies.

On provisional Registration:

XXIII. And be it enacted, That on the provisional Registration of any Company being certified by the Registrar of Joint Stock Companies it shall be lawful for the Promoters of any Company so registered to act provisionally, but not for any longer Period than Twelve Months from the Date of the Certificate, unless such Certificate shall be renewed, which may be done on Application for that Purpose; and no such renewed Certificate shall be in force for a longer Period than Twelve Months from the Date thereof; and it shall be lawful for the Promoters of such Company,—

Effect of provisional Registration.

To assume the Name of the intended Company, but coupled with the Words "Registered provisionally;" and also, To open Subscription Lists; and also, To allot Shares, and receive Deposits by way of Earnest thereon, at a Rate not exceeding Ten Shillings for every One hundred Pounds on the Amount of every Share in the Capital of the
intenued

intended Company; and also, in the Case of Companies for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock, which cannot be carried into execution without the Authority of Parliament, in addition to and exclusive of such Sum of Ten Shillings *per* Hundred Pounds, such further Sum *per* Hundred Pounds on the Amount of every such Share as may be required by the Standing Orders of either House of Parliament to be deposited before the obtaining of an Act of Parliament for enabling the Company to execute such Work; and also,

Powers and Privileges of Companies.

To perform such other Acts only as are necessary for constituting the Company, or for obtaining Letters Patent, or a Charter, or an Act of Parliament;

But not to make Calls, nor to purchase, contract for, or hold Lands, nor to enter into Contracts for any Services, or for the Execution of any Works, or for the Supply of any Stores, except such Services and Stores or other Things as are necessarily required for the establishing of the Company, and except any Purchase or other Contract to be made conditional on the Completion of the Company, and to take effect after the Certificate of complete Registration, Act of Parliament, or Charter or Letters Patent, shall have been obtained, and, except in the Case of Companies for executing such Works as aforesaid, Contracts for Services in making Surveys and performing all other Acts necessary for obtaining an Act of Incorporation or other Act for enabling the Company to execute such Works.

XXIV. And be it enacted, That if before a Certificate of provisional Registration shall be obtained the Promoters or any of them, or any Person employed by or under them, take any Monies in consideration of the Allotment either of Shares or of any Interest in the Concern, or by way of Deposit for Shares to be granted or allotted; or issue, in the Name or on behalf of the Company, any Note or Scrip, or Letter of Allotment, or other Instrument or Writing to denote a Right or Claim, or Preference or Promise, absolute or conditional, to any Shares; or advertise the Existence or proposed Formation of the Company; or make any Contract whatsoever for or in the Name or on behalf of such intended Company; then every such Person shall be liable to forfeit for every such Offence a Sum not exceeding Twenty-five Pounds; and that it shall be lawful for any Person to sue for and recover the same by Action of Debt.

Proceedings of Companies before Registration and being provisionally registered.

XXV. And be it enacted, That on the complete Registration of any Company being certified by the Registrar of Joint Stock Companies such Company and the then Shareholders therein, and all the succeeding Shareholders, whilst Shareholders, shall be and are hereby incorporated as from the Date of such Certificate by the Name of the Company as set forth in the Deed of Settlement, and for the Purpose of carrying on the Trade or Business for which the Company was formed, but only according to the Provisions of this Act, and of such Deed as aforesaid, and for the Purpose of suing and being sued, and of taking and enjoying the Property and Effects of the said Company; and thereupon any Covenants or Engagements entered into by any of the Share-

25l. Penalty against Persons offending.

On complete Registration: Powers and Privileges obtained thereby. Incorporation.

*Powers and
Privileges of
Companies.*

Without Re-
striction of
Liability.

Company em-
powered to act.

holders or other Persons with any Trustee on the Behalf of the Company, at any Time before the complete Registration thereof, may be proceeded on by the said Company and enforced in all respects as if they had been made or entered into with the said Company after the Incorporation thereof; and such Company shall continue so incorporated until it shall be dissolved, and all its Affairs wound up; but so as not in anywise to restrict the Liability of any of the Shareholders of the Company, under any Judgment, Decree, or Order for the Payment of Money which shall be obtained against such Company, or any of the Members thereof, in any Action or Suit prosecuted by or against such Company in any Court of Law or Equity; but every such Shareholder shall, in respect of such Monies, subject as after mentioned, be and continue liable as he would have been if the said Company had not been incorporated; and thereupon it shall be lawful for the said Company, and they are hereby empowered, as follows; that is to say,

1. To use the registered Name of the Company, adding thereto "Registered;" and also,
2. To have a Common Seal (with Power to break, alter, and change the same from Time to Time), but on which must be inscribed the Name of the Company; and also,
3. To sue and be sued by their registered Name in respect of any Claim by or upon the Company upon or by any Person, whether a Member of the Company or not, so long as any such Claim may remain unsatisfied; and also,
4. To enter into Contracts for the Execution of the Works, and for the Supply of the Stores, or for any other necessary Purpose of the Company; and also,
5. To purchase and hold Lands, Tenements, and Hereditaments in the Name of the said Company, or of the Trustees or Trustee thereof, for the Purpose of occupying the same as a Place or Places of Business of the said Company, and also (but nevertheless with a Licence, general or special, for that Purpose, to be granted by the Committee of the Privy Council for Trade, first had and obtained,) such other Lands, Tenements, and Hereditaments as the Nature of the Business of the Company may require; and also,
6. To issue Certificates of Shares; and also,
7. To receive Instalments from Subscribers in respect of the Amount of any Shares not paid up; and also,
8. To borrow or raise Money within the Limitations prescribed by any special Authority; and also,
9. To declare Dividends out of the Profits of the Concern; and also,
10. To hold General Meetings periodically, and extraordinary Meetings upon being duly summoned for that Purpose; and also,
11. To make from Time to Time, at some General Meeting of Shareholders specially summoned for the Purpose, Bye Laws for the Regulation of the Shareholders, Members, Directors, and Officers of the Company, such Bye Laws not being repugnant to or inconsistent with the Provisions of this Act or of the Deed of Settlement of the Company; and also,
12. To

12. To perform all other Acts necessary for carrying into effect the Purposes of such Company, and in all respects as other Partnerships are entitled to do :

Powers and Privileges of Companies.

And the said Company are hereby empowered and required,—

13. To appoint from Time to Time, for the Conduct and Superintendence of the Execution of the Affairs of the Company, a Number of Directors, not less than Three, for a Period not greater than Five Years, with or without Eligibility to be re-elected at the Expiration of the Term, as may be prescribed by any Deed of Settlement or Bye Law; and also,
14. To appoint and remove One or more Auditors, and such other Officers as the Deed of Settlement under which the Company shall be constituted may authorize :

Subject nevertheless, with respect to all such Powers and Privileges, to the Provisions of this Act, and subject also to the Provisions of the Deed of Settlement of the Company or any other special Authority: Provided always, with regard to any Company for executing any Bridge, Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, or Dock, which cannot be carried into execution without obtaining the Authority of Parliament, that on the complete Registration of any such Company, and before such Company shall have obtained its Act of Incorporation or other Act whereby the Authority of Parliament shall be granted for executing such Work, it shall not be lawful for any such Company or the Directors or Officers thereof to exercise the herein-before mentioned Power to enter into Contracts, otherwise than conditionally upon obtaining such Act, or to exercise the Power to purchase and hold Lands as aforesaid, or to exercise the Power to receive Instalments from Shareholders beyond the Sum or Per-centage necessary to be deposited in compliance with the Standing Orders of either House of Parliament, or such other Sum as may be requisite for obtaining the Act of Incorporation or other Act for granting the Authority of Parliament to execute such Work, or to exercise the Power to borrow Money, as aforesaid, or to exercise the Power to declare Dividends, as aforesaid; and, subject to these last-mentioned Exceptions, all the Powers by this Enactment herein-before given to any Company completely registered, except the general Power to perform all Acts necessary for carrying on the Business of the Company, may be exercised as fully by any such Company so completely registered as by any other Company so completely registered: Provided always, that it shall be lawful for any such Company to perform all Acts which may be necessary for obtaining an Act of Incorporation or other Act for obtaining the Authority of Parliament to execute its Works as aforesaid, any thing herein contained to the contrary notwithstanding; and that upon obtaining such Act of Incorporation or other such Act as aforesaid, or at the Time of the coming into operation of such Act, as shall be thereby appointed, all the Powers which any such Company shall obtain by virtue of this Act, and all the Provisions and Regulations of this Act which shall apply to such Company, shall cease and determine, except so far as shall be otherwise provided by such Act of Incorporation or other such Act as aforesaid.

Restriction of Powers of Companies for executing Parliamentary Works before obtaining an Act.

Power to obtain Act of Parliament.

Regulation of Company under such Act.

Shareholders:
Restriction of
Rights prior to
Execution of
Deed of Settle-
ment.

Rights there-
after.

XXVI. And be it enacted, That no Shareholder of any Joint Stock Company completely registered under this Act shall be entitled to receive any Dividends or Profits, or be entitled to the Remedies or Powers hereby given to Shareholders, until he shall have executed the Deed of Settlement of the said Company, or some Deed referring thereto, and also have paid up all Instalments or Calls due from him, and shall have been registered in the Registry Office aforesaid; and further, that it shall be lawful for every Shareholder who shall have signed such Deed, and paid up such Instalments or Calls, and shall have been registered, and he is hereby entitled,—

To be present at all General Meetings of the Company; and also,

To take part in the Discussions thereat; and also,

To vote in the Determination of any Question thereat, and that either in Person or by Proxy, unless the Deed of Settlement shall preclude Shareholders from voting by Proxy; and also,

To vote in the Choice of Directors, and of every Auditor to be elected by the Shareholders;

Restriction on
Disposal of
Shares.

Subject nevertheless to the Provisions of this Act, and of the Deed of Settlement of the Company or other special Authority, so far as such Provisions shall either regulate or restrict the Exercise of such Powers, but not so as to deprive such Shareholders thereof; and further, with regard to Subscribers and every Person entitled or claiming to be entitled to any Share in any Joint Stock Company the Formation of which shall be commenced after the First Day of *November* One thousand eight hundred and forty-four, that until such Joint Stock Company shall have obtained a Certificate of complete Registration, and until any such Subscriber or Person shall have been duly registered as a Shareholder in the said Registry Office, it shall not be lawful for such Person to dispose, by Sale or Mortgage, of such Share, or of any Interest therein, and that every Contract for or Sale or Disposal of such Share or Interest shall be void, and that every Person entering into such Contract shall forfeit a Sum not exceeding Ten Pounds; and that for better protecting Purchasers it shall be the Duty of the Directors of the Company by whom Certificates of Shares are issued to state on every such Certificate the Date of the first complete Registration of the Company, as before provided; and that if any such Director or Officer knowingly make a false Statement in that respect then he shall be liable to the Pains and Penalties of a Misdemeanor.

10f. Penalty.
Contents of
Certificates of
Shares.

Penalty as to
false Certificate.

*Regulation of
Companies.*

Directors:
Powers of
Directors.

XXVII. And be it enacted, That with regard to the Powers and Duties of Directors it shall be lawful for the Directors of any Joint Stock Company registered under this Act,—

1. To conduct and manage the Affairs of the Company according to the Provisions and subject to the Restrictions of this Act, and of the Deed of Settlement, and of any Bye Law, and for that Purpose to enter into all such Contracts and do and execute all such Acts and Deeds as the Circumstances may require; and also,
2. To appoint the Secretary, if any; and also,
3. To appoint the Clerks and Servants; and also from Time to Time, as they see fit,

4. To

4. To remove such Secretary, Clerks, and Servants, and to appoint others, as Occasion shall require; and also,
5. To appoint other Persons for special Services as the Concerns of the Company may from Time to Time require; and also,
6. To hold Meetings periodically and from Time to Time as the Concerns of the Company shall require; and also,
7. To appoint a Chairman to preside at all such Meetings, and in his Absence to appoint a Chairman at each such Meeting;

*Regulation of
Companies.*

Subject nevertheless to the Provisions and Restrictions of this Act, and to the Provisions of the Deed of Settlement of the Company or other special Authority, but not so as to enable the Shareholders to act in their own Behalf in the ordinary Management of the Concerns of the Company otherwise than by means of Directors: Provided always, that it shall not be lawful for the Directors to purchase any Shares of the Company, nor to sell any such Shares, except Shares forfeited on the Nonpayment of Calls or Instalments, nor to lend to any one of their Number, or to any Officer of the Company, any Money belonging to the Company without the Authority and Sanction of a General Meeting of Shareholders duly convened.

*Restriction as
to lending
Money.*

XXVIII. And be it enacted, That henceforth, notwithstanding any thing to the contrary in any Deed of Settlement or other Instrument by which a Joint Stock Company shall be constituted or regulated, it shall not be lawful to appoint any Person to be or to act as a Director, whether honorary or otherwise, or to hold the Office of Patron or President, or any other Office of the like Description; nor shall it be lawful for any Person to act in any such Capacity unless at the Time of such his Appointment or of such his acting he hold in his own Right at least One Share in the Capital of such Company; and that if, without having such Share, any Person be or become or act as Director, Patron, or President of such Company, or in any Office of such or the like Nature, then he shall forfeit for every such Offence a Sum not exceeding Twenty Pounds; and that if any Person be announced or held out by or on behalf of the Company as a Director, Patron, or President, or as holding any Office of such or the like Description, without having so consented or acted, then each Director of such Company knowingly concurring in such Representation shall forfeit a Sum not exceeding Twenty Pounds.

*Pecuniary
Qualification
of Directors,
Patrons, &c.*

XXIX. And be it enacted, That if any Director of a Joint Stock Company registered under this Act be either directly or indirectly concerned or interested in any Contract proposed to be made by or on behalf of the Company, whether for Land, Materials, Work to be done, or for any Purpose whatsoever, during the Time he shall be a Director, he shall, on the Subject of any such Contract in which he may be so concerned or interested, be precluded from voting or otherwise acting as a Director; and that if any Contract or Dealing (except a Policy of Assurance, Grant of Annuity, or Contract for the Purchase of an Article or of Service, which is respectively the Subject of the proper Business of the Company, such Contract being made upon the same or the like Terms as any like Contract with other

*Disqualification
of Directors.*

As to Contracts,

*Regulation of
Companies.*

Approval of
General Meeting.

As to Shares,
&c.

Validity of Acts
of Directors.

Acts of Fraud
or wilful Omission by Directors or Officers a Misdemeanor.

Authentication and legal Effect of Books of Record.

Inspection of Books of Registry.

Account Books.

Customers or Purchasers), shall be entered into, in which any Director shall be interested, then the Terms of such Contract or Dealing shall be submitted to the next General or Special Meeting of the Shareholders to be summoned for that Purpose; and that no such Contract shall have Force until approved and confirmed by the Majority of Votes of the Shareholders present at such Meeting; and that if at any Time any Director cease to be a Holder of the prescribed Number of Shares in the Company, or shall become a Bankrupt or Insolvent, or shall have suspended Payment, or compromised with his Creditors, or be declared a Lunatic, then it shall be unlawful for any such Director to continue as a Director, or to act as such, and the Office of such Director shall be and is hereby declared to be vacant.

XXX. And be it enacted, That notwithstanding it may be afterwards discovered that there was some Defect or Error in the Appointment of any Person acting or who may have acted as a Director of a Joint Stock Company registered under this Act, or that such Person was disqualified, yet all Acts done by him as such Director before the Discovery of such Defect or Error, either solely or with other Directors, shall be as binding on him, and on the Company, and the Directors and Officers thereof, as if such Person had been duly appointed or qualified, and, if such Acts were done *bonâ fide*, shall be as binding on all Persons whomsoever as if such Person had been duly appointed or qualified.

XXXI. And be it enacted, That if any such Director or other Officer of any Joint Stock Company registered under this Act wrongfully do or omit any Act, with Intent to defraud the Company or any Shareholder therein, or falsify or fraudulently mutilate or fraudulently make any Erasure in the Books of Account or Books of Register, or any Document belonging to the Company, then such Director or Officer shall be deemed to be guilty of a Misdemeanor.

XXXII. And be it enacted, That if the Entry of the Proceedings of any Meeting of the Shareholders or of the Directors of any Joint Stock Company registered under this Act purport to be signed by the Chairman duly presiding at such Meeting, and sealed with the Seal of the Company, then it shall be the Duty of all Courts of Justice, Justices, and others, and they are hereby required, to receive the Book in which such Entry shall be made as *primâ facie* Evidence, not only of the Proceedings of the Meeting of which Entry shall be so made, but of such Meetings having been duly convened, and of the Persons making or entering such Orders or Proceedings being Shareholders or Directors, and of the Signature of the Chairman.

XXXIII. And be it enacted, That the Books of any such Company wherein the Proceedings of the Company are recorded shall be kept at the principal or only Place of Business of the Company, and at all reasonable Times such Books shall be open to the Inspection of any Shareholder of the Company; subject nevertheless to the Provisions of the Deed of Settlement or of any Bye Law.

XXXIV. And be it enacted, That the Directors shall cause the Accounts of such Company to be duly entered in Books to be provided for the Purpose.

XXXV. And

XXXV. And be it enacted, That Fourteen Days at the least before the Period at which the Accounts are required to be delivered to the Auditors as herein-after provided the Directors of such Company shall cause the Books of the Company to be balanced, and a full and fair Balance Sheet to be made up; and that previously to such Balance Sheet being delivered to the Auditors as herein-after provided the Directors, or any Three of their Number, shall examine such Balance Sheet, and sign it as so examined; and that when the Balance Sheet shall have been so examined the Chairman of the Directors shall sign such Balance Sheet, and that thereupon the Directors shall cause the same to be recorded in the Books of the Company.

Balancing of Books.

Examination of Balance Sheet.

XXXVI. And be it enacted, That at each ordinary Meeting of the Shareholders the Directors shall produce such Balance Sheet to the Shareholders assembled thereat.

Production of Balance Sheet.

XXXVII. And be it enacted, That during the Space of Fourteen Days previously to such ordinary Meeting, and also during One Month thereafter, every Shareholder of the Company may, subject to the Provisions of the Deed of Settlement, or of any Bye Law, inspect the Books of Account and the Balance Sheet of the Company, and take Copies thereof and Extracts therefrom; and that if at any other Time Three Directors authorize in Writing any Shareholder to make such Inspection, then at such other Time the Shareholder so authorized may make such Inspection.

Inspection of Accounts by Shareholders.

Occasional Inspection.

XXXVIII. And be it enacted, That every Joint Stock Company completely registered under this Act shall annually at a General Meeting appoint One or more Auditors of the Accounts of the Company (One of whom at least shall be appointed by the Shareholders present at the Meeting in Person or by Proxy), and shall return the Names of such Auditors to the Registrar of Joint Stock Companies; and that if an Auditor be not appointed on behalf of the Shareholders, or if he shall die, or become incapable of acting, or shall decline to act at the prescribed Period, or if such Return be not made, then on the Application of any Shareholder of the Company it shall be the Duty of the Committee of Privy Council for Trade and they are hereby authorized to appoint an Auditor on behalf of the Shareholders; and that such Auditor shall continue to act till the next General Meeting; and the due Appointment of such Auditor shall be returned to the Registrar of Joint Stock Companies, and that thereupon it shall be his Duty to register the same; and that it shall be lawful for the Commissioners of the Treasury and they are hereby empowered to appoint that the Company shall pay to such Auditor such Salary or Remuneration as to the said Commissioners shall appear suitable, having regard to the Duties of his Office, and that thereupon such Auditor shall be entitled to recover such Salary from the Company as and when it shall become due, according to the Terms of the Appointment thereof.

Auditors: Appointment of Auditors by Company.

By Board of Trade.

Salary of such Auditor.

XXXIX. And be it enacted, That Twenty-eight Days at least before the ensuing ordinary Meeting at which such Balance Sheet is required to be produced to the Shareholders the Directors shall deliver to the Auditors the half-yearly or other periodical Accounts and the Balance Sheet required to be presented to the Shareholders;

Delivery of Accounts to Auditors for Examination.

holders; and that the Auditors shall receive from the Directors such Accounts and Balance Sheet, and examine the same.

Powers of
Auditors.

XL. And be it enacted, That throughout the Year and at all reasonable Times of the Day it shall be lawful for the Auditors and they are hereby authorized to inspect the Books of Account and Books of Registry of such Company; and that the Auditors may demand and have the Assistance of such Officers and Servants of the Company and such Documents as they shall require for the full Performance of their Duty in auditing the Accounts.

Assistance to
Auditors.

Report by
Auditors.

XLI. And be it enacted, That within Fourteen Days after the Receipt of such Balance Sheet and Accounts the Auditors shall either confirm such Accounts, and report generally thereon, or shall, if they do not see proper to confirm such Accounts, report specially thereon, and deliver such Accounts and Balance Sheet to the Directors of the Company.

Publication
of Reports.

XLII. And be it enacted, That Ten Days before the ordinary Meeting of such Company the Directors shall, subject to the Provisions of any Deed of Settlement or Bye Law in that Behalf, send or cause to be sent a printed Copy of the Balance Sheet and Auditors Report to every Shareholder, according to his registered Address, and shall, at such Meeting of the Company, cause such Report to be read, together with the Report of the Directors.

Balance Sheet
and Auditors
Report to be
registered.

XLIII. And be it enacted, That within Fourteen Days after such Meeting it shall be the Duty of such Directors and they are hereby required to return to the said Registry Office a Copy of the Balance Sheet, and of the Report of the Auditors thereon; and that thereupon it shall be the Duty of the Registrar of Joint Stock Companies and he is hereby required to register or file the same with the other Documents relating to such Company.

Contracts:
Requisites of
Contracts.

XLIV. And for the Purpose of regulating Contracts entered into on behalf of any Joint Stock Company completely registered under this Act (except Contracts for the Purchase of any Article the Payment or Consideration for which doth not exceed the Sum of Fifty Pounds, or for any Service the Period of which doth not exceed Six Months, and the Consideration for which doth not exceed Fifty Pounds, and except Bills of Exchange and Promissory Notes), be it enacted, That every such Contract shall be in Writing, and signed by Two at least of the Directors of the Company on whose Behalf the same shall be entered into, and shall be sealed with the Common Seal thereof, or signed by some Officer of the Company on its Behalf, to be thereunto expressly authorized by some Minute or Resolution of the Board of Directors applying to the particular Case; and that in the Absence of such Requisites, or of any of them, any such Contract shall be void and ineffectual (except as against the Company on whose Behalf the same shall have been made); and that every such Contract for the Purchase of any Article the Consideration of which doth not exceed the Sum of Fifty Pounds, or for any Services the Period of which doth not exceed Six Months, and the Consideration for which doth not exceed Fifty Pounds, entered into on behalf of any Joint Stock Company completely registered under this Act, may be entered into by any Officer authorized by a general Bye Law in that Behalf; and that every such Contract, whether under Seal or not, shall immediately after the same shall have been entered into

Report to
Secretary.

be reported to the Secretary or other appointed Officer of the Company on whose Behalf the same shall have been entered into, who shall enter the same in proper Books to be kept for that Purpose; and that if any such Contract be not so reported and entered, then the Officer by whose Default such Contract shall not be so reported or entered shall be liable to repay to the Company on whose Behalf such Contract may be made the Amount of the Consideration agreed to be paid by or on behalf of such Company in respect of such Contract.

Regulation of Companies.

Liability.

XLV. And be it enacted, with regard to Bills of Exchange and Promissory Notes made, accepted, or endorsed on the Behalf or Account of any such Company, so far as relates to the Mode of making, accepting, or endorsing the same, and to the Liability of any such Company thereon, That if the Directors of the Company be authorized by Deed of Settlement or Bye Law to issue or accept Bills of Exchange or Promissory Notes, then every such Bill of Exchange or Promissory Note shall be made or accepted (as the Case may be) by and in the Names of Two of the Directors of the Company on whose Behalf or Account the same may be so made or accepted, and shall be by such Directors expressed to be made or accepted by them on behalf of such Company; and that every such Bill of Exchange and Promissory Note so made or accepted as aforesaid shall be countersigned by the Secretary or other appointed Officer of the Company in whose Behalf the same is expressed to be made or accepted; and that every Bill of Exchange so made as aforesaid, or received by or on behalf of the Company, may be endorsed in the Name of the Company by any Officer authorized by Deed of Settlement or Bye Law in that Behalf; and that every such Bill of Exchange or Promissory Note so made, accepted, or endorsed as aforesaid shall, immediately after the making, accepting, or endorsing of the same, be reported to the proper Officer of the Company on whose Behalf the same shall have been made, accepted, or endorsed, and such last-mentioned Officer shall enter the same in proper Books to be kept for that Purpose; and that if any such Bill of Exchange or Promissory Note be not so reported and entered, then the Officer by whose Default such Bill or Note shall not be so reported or entered shall be liable to repay to the Company the Amount which the Company shall pay or be liable to pay in respect of such Bill or Note: Provided always, that nothing herein contained shall be deemed to make any such Secretary or Officer personally liable upon any such Bill of Exchange or Promissory Note, nor be deemed to make any such Directors personally liable thereon, except as Shareholders of the Company; and that every such Company on whose Behalf or Account any Bill of Exchange or Promissory Note shall be made, accepted, or endorsed, in manner and form aforesaid, shall and may sue and be sued thereon, as fully and effectually, and in the same Manner, as in the Case of any Contract made and entered into under their Common Seal.

Requisites of Bills and Notes by Company:

Signatures of Two Directors.

Countersign of Secretary.

Endorsation.

Report and Entry thereof.

Liability.

Directors and Officers not personally liable.

Liability of Company and Members.

Deeds, &c. to be signed by Two Directors.

Bye Laws: Form of Bye Laws.

XLVI. And be it enacted, That all Deeds and Instruments bearing the Seal of the Company shall be signed by Two at the least of the Directors of the Company.

XLVII. And be it enacted, That all Bye Laws made by any Joint Stock Company completely registered under this Act, in pursuance

- Registration and Publication thereof.
- Bye Laws to be Evidence.
- Capital : Register of Shareholders.
- Inspection of Register of Shareholders.
- Requisites of Certificates of Shares.
- Fee for Certificate.
- Form of Certificate.
- Legal Effect of Certificate as Evidence.
- Renewal of Certificate.
- Substituted Certificate.
- pursuance of the Power herein-before given, must be reduced into Writing, and must have affixed thereto the Common Seal of the Company; and that such Bye Laws must be registered at the Office for registering Joint Stock Companies, and until they be so registered they shall not be of any Force; and that such Bye Laws must be printed and circulated for the Use of the Shareholders, and a Copy thereof must be given to every Officer of the Company, and to every Shareholder who shall require the same.
- XLVIII. And be it enacted, That in all Actions, Suits, and other legal Proceedings for the Enforcement of such Bye Laws, or other Penalties for the Breach thereof, the Production of a written or printed Copy of the Bye Laws of the Company, having the Seal of Office of the Registrar of Joint Stock Companies affixed thereto, shall be sufficient Evidence of such Bye Laws.
- XLIX. And be it enacted, That it shall be the Duty of the Directors of every Joint Stock Company registered under this Act to keep or cause to be kept a Book, to be called the "Register of Shareholders," and from Time to Time in such Book to enter the following Particulars; that is to say,
- The Names and Addresses of all Persons or Corporations being Shareholders of the Company; and also,
- The Number of Shares to which such Shareholders shall be respectively entitled, distinguishing each Share by its Number; and also,
- The Amount of the Instalments paid on such Shares.
- L. And be it enacted, That it shall be lawful for every Shareholder, or if such Shareholder be a Corporation then the Clerk or principal Officer of such Corporation, at all convenient Times to search the Register of Shareholders gratis, and to require a Copy thereof or of any Part thereof; and that the Company may demand a Sum not exceeding Sixpence for every One hundred Words so required to be copied.
- LI. And be it enacted, That, on Demand of the Holder of any Share in any Joint Stock Company completely registered under this Act, the Company shall cause a Certificate of the Proprietorship of such Share to be delivered to such Shareholder, specifying the Share in the Undertaking to which such Shareholder is entitled, and the Amount paid up in respect of such Share at the Date of such Certificate, and shall have the Common Seal of the Company affixed thereto; and for such Certificate the Company may demand any Sum not exceeding One Shilling; and that such Certificate must be according to the Form in the Schedule (I.) to this Act annexed, or to the like Effect.
- LII. And be it enacted, That it shall be the Duty of all Courts of Justice, Judges, Justices, and others to admit such Certificate as *primâ facie* Evidence of the Title of the Shareholder to the Share therein specified; nevertheless the Want of such Certificate shall not prevent the Holder of any Share from disposing thereof.
- LIII. And be it enacted, That if any such Certificate be worn out or damaged, then, upon such Certificate being produced at some Meeting of the Directors, it shall be lawful for them to order such Certificate to be cancelled; and that thereupon another similar Certificate shall, if he require the same, be given to the Party in whom the Property of such Certificate and of the Share therein mentioned

mentioned shall at the Time be vested; or if such Certificate be lost or destroyed, then, upon Proof thereof, a similar Certificate shall, if he require the same, be given to the Party entitled to the Certificate so lost or destroyed; and that in either Case it shall be the Duty of the Secretary and he is hereby required to make a due Entry of the substituted Certificate in the Register of Shareholders; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding the Sum of One Shilling.

Regulation of Companies.

Entry thereof.

LIV. And be it enacted, That, subject to the Regulations herein contained, and to be contained in any Deed of Settlement of any Joint Stock Company completely registered under this Act, it shall be lawful for every Shareholder of such Company and he is hereby entitled to sell and transfer his Shares therein by Deed duly stamped, in which the full Amount of the pecuniary Consideration for such Sale shall be truly expressed, and which Instrument of Transfer must be according to the Form in the Schedule (K.) to this Act annexed, or to the like Effect; and that the Directors of the Company shall cause a Memorial of such Instrument of Transfer, when produced at the Office of the Company, to be entered in a Book to be called "The Register of Transfers," and the Entry thereof to be endorsed on the Instrument of Transfer; and for every such Entry and Endorsement the Company may demand any Sum not exceeding One Shilling; and that until such Instrument of Transfer shall have been so produced at the Office of the Company the Purchaser of the Share shall not be entitled to receive any of the Profits of the Company, or to vote in respect of such Share: Provided always, that if at the Time of such Transfer the Shareholder shall not have paid the full Amount due and payable to the Company on every Share held by him, then he shall not be entitled to transfer any Share, unless there be a Provision to the contrary in the Deed of Settlement.

Transfer of Shares.

Deed to be registered.

Endorsement of Transfer.

Nondelivery of Transfer.

No Transfer if Shares not paid up.

LV. And be it enacted, That if any Shareholder fail to pay any Instalment of Capital due upon or in respect of any Share held by him, when the same shall become due, it shall be lawful for any such Company and they are hereby authorized to sue such Shareholder for the Amount in an Action of Debt in any Court having competent Jurisdiction in respect of the same; and that in the Declaration in any such Action it shall be sufficient to state only that at the Time of the Commencement of the Suit the Defendant, as the Holder of certain Shares (stating how many) in a certain Company or Undertaking, as the Case may be, (naming it,) was indebted to the Company in a certain Sum (stating the Amount of the Instalments, or so much thereof as is sought to be recovered,) for certain Instalments of Capital then due and payable in respect of the said Shares, and that the Defendant hath not paid the same; and that if upon the Trial of any such Action it shall be proved that the Defendant was the Holder of any Share when such Instalments, or any of them, in respect of the same, and for which the Action is brought, became due, then such Company shall recover such Instalments, or so much thereof as is due, together with Interest for the same at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Day on which such Instalment shall have become due.

Proceedings to recover Instalments of Capital.

Form of Declaration for Instalments.

Evidence.

Recovery of Instalments and Interest.

LVI. And

Notification to joint Proprietors.

LVI. And be it enacted, That if any Share be held jointly by several Persons, then any Notice required to be given shall be given to such of the said Persons whose Name shall stand first on the Register of Shareholders, and Notice so given shall be sufficient Notice to all the Proprietors of such Share, and the Person so standing first shall be entitled to vote, and to have all the Privileges hereby conferred on Shareholders.

Deeds of Settlement : Publication thereof.

LVII. And be it enacted, That at every principal Place of Business of any Joint Stock Company completely registered under this Act it shall be the Duty of the Directors and Officers of the Company and they are hereby respectively required to have written or printed Copies of an Index or Abstract of the Deed of Settlement, approved by the Registrar of Joint Stock Companies, and a List of the Shareholders of the Company, and the Number of Shares held by each, and also a List of the Directors and Officers thereof, and a Copy of the Bye Laws sealed with the Seal of the Company, as returned to the said Registry Office ; and that if at any reasonable Time any Shareholder, or any Person authorized in Writing by him, apply at any such Place of Business of the Company to inspect the same, then, on Demand thereof made during the usual Hours of Business, it shall be the Duty of the Directors or Officers and they respectively are hereby required to permit such Inspection ; and that if on such Demand any such Director or Officer to whom such Demand is made do not thereupon permit such Inspection, then, on Conviction thereof, he shall be liable to pay for every such Offence a Sum not exceeding Forty Shillings.

Inspection thereof on Demand.

Penalty.

Existing Companies : Registration of existing Companies.

LVIII. And be it enacted, with regard to all Joint Stock Companies to which this Act is herein-before made to apply, and which shall exist on the First Day of *November* One thousand eight hundred and forty-four, whether incorporated by Act of Parliament or by Charter, or privileged by Letters Patent, or established by virtue of a Deed of Settlement, or of any other Instrument, or by virtue of any Authority whatever, or in any other Way whatever, That within Three Months from the said First Day of *November* the Directors, Managers, Officers, or others having the Direction, Management, Conduct, Superintendence, or Execution of the Affairs of any such Company, shall register such Company at the Office for the Registration of Joint Stock Companies, and for that Purpose shall make or cause to be made a Return of the following Particulars, according to the Schedule (I.) hereunto annexed ; that is to say,

Returns of Matters for Registration.

1. The Name or Style of the Company ; and also,
2. The Purpose of the Company ; and also,
3. The principal or only Place for carrying on its Business :

Certificate of Registration gratis.

And that on such Registration every such Company shall be entitled to have a Certificate of Registration, without paying any Fee either for such Registration or for such Certificate, but such Certificate shall be for the Purpose of showing that such Company had registered, and shall not be considered as a Certificate of complete Registration, so as to confer on any such Company the Powers and Privileges of this Act ; and that if within the said Period the Persons hereby required to register any such Company fail

Penalty.

so to do, then, on Conviction thereof, every such Company so failing shall forfeit for every such Offence a Sum not exceeding Fifty Pounds.

LIX. And be it enacted, with regard to such existing Companies as aforesaid (except Assurance Companies), That if any such existing Company be so constituted as is by this Act required with regard to any future Company, or if the Deed or Deeds of Settlement of such existing Company contain the Particulars by this Act required to be contained in some one or other Deed of Settlement of such future Company, and if any other Conditions required to be fulfilled by or in respect of any such future Company, in order to obtain a Certificate of complete Registration, be fulfilled in respect of any such existing Company, then such existing Company shall be entitled to obtain a Certificate of complete Registration; but if such existing Company be not so constituted, or if such Deed of Settlement do not contain such Particulars, or if such other Conditions be not fulfilled, then, on such existing Company returning a Deed or Deeds according to the Provisions of this Act, and also, in addition to any other Matters by this Enactment required to be returned by such existing Company, such other Matters as are by this Act required to be returned by any future Company in order to obtain or before obtaining a Certificate of complete Registration as aforesaid, or such Modification of the said Deeds or Returns, or of any of them, as the Committee of Privy Council for Trade shall direct by any Regulation to be made in that Behalf, either on the Part or in respect of any One Company or of any Class of Companies, and signed by One of the Secretaries of the said Committee, such existing Company shall be entitled to a Certificate of complete Registration; and on such Certificate of complete Registration being granted by the Registrar of Joint Stock Companies it shall be lawful for such existing Company, its Shareholders, its Directors, and its Officers, and they are respectively hereby empowered, to have and exercise all such Powers and Privileges as are by this Act conferred upon Joint Stock Companies to be hereafter formed, subject nevertheless with respect to all such Powers and Privileges to the Provisions of this Act, or of any other Act to be hereafter passed for regulating the same; and that every such Company not incorporated shall be incorporated for the Purposes of this Act, as from the Date of the Certificate of complete Registration, in such Manner as herein-before provided with regard to Companies to be formed after the First Day of *November* next; and that any Directors or other Managers of any such Company as last aforesaid, with the Consent of at least Three Fourths in Number and Value of the Shareholders of such Company present at a General Meeting summoned for that Purpose, may at any Time or Times hereafter make any Alterations in the Constitution of the said Company or otherwise as shall be necessary for enabling such Company to come within the Provisions of this Act, so as the same shall be approved of by the said Committee of Privy Council for Trade; and the Order of such Committee, signed as aforesaid, shall be sufficient Evidence of such Provisions having been complied with, and that any such Company has come within the Provisions of this Act: Provided always, with regard to existing Companies,

Regulation of Companies.

Privileges of future Companies under this Act extended to existing Companies fully constituted;

or existing Companies fully complying.

Effect of Certificate of complete Registration.

Incorporation.

Alteration of Deeds of Settlement in compliance with this Act.

Fees for Certificates of complete Registration for existing Companies.

Companies, that in the event of any such Company becoming entitled to a Certificate of complete Registration as aforesaid it shall not be necessary to pay in respect of such Certificate any higher Fee than the Sum of Five Pounds, and also the Sum of Sixpence additional in respect of every Thousand Pounds Value of Capital, as declared on the Formation of the Company in the Deed of Settlement, or by any other special Authority.

Registration of Companies begun or formed after the passing of this Act.

LX. And be it enacted, That so much of the Provisions of this Act as are applicable to Companies formed after the First Day of *November* next shall apply to Companies begun or formed since the passing of this Act, so far as such Provisions shall on or after the said First Day of *November* be applicable to such last-mentioned Companies.

Effect of Incorporation of existing Companies, &c.

LXI. Provided always, and be it enacted, That, notwithstanding the Incorporation of any existing Company in pursuance of this Act, every such Company, and the Members and Officers of every such Company, shall be liable to be sued in respect of any valid Obligation incurred before such Incorporation, in the same Manner and with the same legal Consequences as if such Company had not been incorporated.

Modification of Conditions and Regulations as to Companies.

LXII. And be it enacted, That if at any Time during the Period of Five Years from the said First Day of *November* a Memorial be presented to the Committee of Privy Council for Trade, by or on the Part of any Company, whether now existing or hereafter formed, except Assurance Companies, making Application that any of the Conditions and Regulations prescribed by this Act be dispensed with or modified, and setting forth the special Grounds of such Application, and if such Application be registered at the Office of the Registrar of Joint Stock Companies, and if, before such Application be granted, the same be Three Times advertised, at Intervals not less than One Week, in the *London Gazette*, then from Time to Time during the said Period of Five Years, and Six Months after the Expiration thereof, it shall be lawful for the said Committee and they are hereby empowered, both as regards Companies formed before this Act shall come into operation and afterwards, either to dispense with or modify such of the Conditions by this Act required to be fulfilled by any future Company for the Purpose of obtaining a Certificate of complete Registration, and such of the Regulations by this Act made for the Government or Management of such Companies, as to the said Committee shall seem fit for facilitating the Application of this Act to the Constitution and Arrangements of any such Company, but so that nevertheless the Order or Instrument by which such Dispensation or such Modification shall be made be in Writing, and be registered at the Office for registering Joint Stock Companies; and this Act shall be construed as if such Modifications or Alterations were herein contained; and further, that annually it shall be the Duty of the said Committee to cause to be laid before both Houses of Parliament a Return of all such Applications for such Dispensation or Modification, and of the Orders made on such Applications.

Board of Trade to receive and decide Applications.

Return to Parliament by Board of Trade.

Act not to extend to certain Partnerships in Mines, &c.;

LXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any Partnership formed for the working of Mines, Minerals, and Quarries

Quarries of what Nature soever, on the Principle commonly called the Cost Book Principle.

LXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to Partnerships in *Ireland* commonly called "Anonymous Partnerships," formed under and by virtue of an Act passed in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of His late Majesty King *George* the Third, intituled *An Act to promote Trade and Manufactures by regulating and encouraging Partnerships.*

nor to Irish Anonymous Partnerships.

21 & 22 G. 3. c. 46. (1.)

LXV. And forasmuch as great Injury has been inflicted upon the Public by Companies falsely pretending to be patronized or directed or managed by eminent or opulent Persons, now for the Purpose of preventing such false Pretences, be it enacted, with regard to every Company or pretended Company whatsoever, whether registered or not, and whether now existing or not, That if any Person shall make any such false Pretences, knowing the same, to be false, in any Advertisement or other Paper, whether printed or written, and whether published in any Newspaper, or Handbill, or Placard, or Circular, then every such Person shall forfeit for every such Offence a Sum not exceeding Ten Pounds.

Prevention of fraudulent Companies.

Punishment for Pretences as to Patronage, &c.

LXVI. Provided always, and be it enacted, That every Judgment and every Decree or Order which shall be at any Time after the passing of this Act obtained against any Company completely registered under this Act, except Companies incorporated by Act of Parliament or Charter, or Companies the Liability of the Members of which is restricted by virtue of any Letters Patent, in any Action, Suit, or other Proceeding prosecuted by or against such Company in any Court of Law or Equity, shall and may take effect and be enforced, and Execution thereon be issued, not only against the Property and Effects of such Company, but also, if due Diligence shall have been used to obtain Satisfaction of such Judgment, Decree, or Order, by Execution against the Property and Effects of such Company, then against the Person, Property, and Effects of any Shareholder for the Time being, or any former Shareholder of such Company, in his natural or individual Capacity, until such Judgment, Decree, or Order shall be fully satisfied; provided, in the Case of Execution against any former Shareholder, that such former Shareholder was a Shareholder of such Company at the Time when the Contract or Engagement for which such Judgment, Decree, or Order may have been obtained was entered into, or became a Shareholder during the Time such Contract or Engagement was unexecuted or unsatisfied, or was a Shareholder at the Time of the Judgment, Decree, or Order being obtained; provided also, that in no Case shall Execution be issued on such Judgment, Decree, or Order against the Person, Property, or Effects of any such former Shareholder of such Company after the Expiration of Three Years next after the Person sought to be charged shall have ceased to be a Shareholder of such Company.

Legal Proceedings.

Effect of Judgments against a Company and Shareholders.

Former Shareholders.

No Execution after ceasing to be Shareholders Three Years.

LXVII. Provided always, and be it enacted, That every Person against whom, or against whose Property or Effects, Execution upon any Judgment, Decree, or Order obtained as aforesaid shall have been issued as aforesaid shall be entitled to recover against such

Reimbursement of Shareholders against whom Execution issued.

Contribution by
other Share-
holders.

such Company all Loss, Damages, Costs, and Charges which such Person may have incurred by reason of such Execution; and that after due Diligence used to obtain Satisfaction thereof against the Property and Effects of such Company, such Person shall be entitled to Contribution for so much of such Loss, Damages, Costs, and Charges as shall remain unsatisfied, from the several other Persons against whom Execution upon such Judgment, Decree, or Order obtained against such Company, might also have been issued under the Provision in that Behalf aforesaid; and that such Contribution may be recovered from such Persons as aforesaid in like Manner as Contribution in ordinary Cases of Copartnership.

Proceedings in
Execution
against the
Person or Prop-
erty of a Share-
holder.

LXVIII. And be it enacted, That in the Cases provided by this Act for Execution on any Judgment, Decree, or Order, in any Action or Suit against the Company to be issued against the Person or against the Property and Effects of any Shareholder or former Shareholder of such Company, or against the Property and Effects of the Company, at the Suit of any Shareholder or former Shareholder, in satisfaction of any Monies, Damages, Costs, and Expences paid or incurred by him as aforesaid in any Action or Suit against the Company, such Execution may be issued by Leave of the Court or of a Judge of the Court, in which such Judgment, Decree, or Order shall have been obtained, upon Motion or Summons for a Rule to show Cause, or other Motion or Summons consistent with the Practice of the Court, without any Suggestion of Scire facias in that Behalf; and that it shall be lawful for such Court or Judge to make absolute or discharge such Rule, or allow or dismiss such Motion, (as the Case may be,) and to direct the Costs of the Application to be paid by either Party or to make such other Order therein as to such Court or Judge shall seem fit; and in such Cases such Form of Writs of Execution shall be sued out of the Courts of Law and Equity respectively for giving effect to the Provision in that Behalf aforesaid as the Judges of such Courts respectively shall from Time to Time think fit to order; and the Execution of such Writs shall be enforced in like Manner as Writs of Execution are now enforced: Provided that any Order made by a Judge as aforesaid may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order: Provided also, that no such Motion shall be made, nor Summons granted, for the Purpose of charging any Shareholder or former Shareholder, until Ten Days Notice thereof shall have been given to the Person sought to be charged thereby.

Alteration of
Orders by the
Court.

Notice.

Recovery of
Penalties:
Proceedings
before Two
Justices.

LXIX. And be it enacted, That all Penalties and Forfeitures inflicted or authorized to be imposed by this Act, and all Costs and Expences for which any Person may be liable under this Act or by virtue of any Bye Law, and the Recovery of which has not been otherwise specially herein-before provided, shall and may be recovered, by any Person who shall proceed for the same, before any Two of Her Majesty's Justices of the Peace of the County, City, or Place where the Offender or Person liable to pay such Costs or Expences shall reside, or where the Offence shall be committed.

Appropriation
of Penalties.

LXX. Provided always, and be it enacted, That all Penalties and Forfeitures recovered under this Act, and not otherwise specially

pecially appropriated, shall be applied as follows; one Half thereof shall be paid to the Person who shall sue or proceed for the same, and the other Half to Her Majesty's Use, and shall be paid to the Sheriff of the County, City, or Town where the same shall have been imposed; and that all Convictions before Justices shall be returned to the Court of Quarter Sessions under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, and shall be paid to the Sheriff of the County, City, or Town, and shall be duly accounted for by him.

Legal Proceedings.

3 G. 4. c. 46.

LXXI. And be it enacted, That in all Cases in which any Penalty or Forfeiture or any Costs or Expences are recoverable before Two Justices of the Peace under this Act, it shall and may be lawful for any One Justice of the Peace to whom Complaint shall be made of any such Offence to summon the Party complained of, and the Witnesses on each Side, before any Two such Justices; and at the Time and Place mentioned in such Summons, or at any Adjournment of such Summons, the said Two Justices may hear and determine the Matter of such Complaint, and upon due Proof thereof, either by Confession of the Party or by the Oath of One or more credible Witness or Witnesses, give Judgment or Sentence on such Complaint, with Costs, to be allowed by such Justices, although no Information in Writing shall have been exhibited or taken; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited; and all Penalties, Forfeitures, and Costs so adjudged may be levied by Distress and Sale of the Goods and Chattels of the Party offending, by Warrant under the Hand and Seal of any One Justice; and in default of such Distress the Offender may be committed to Prison by any One Justice, by Warrant under his Hand and Seal, there to remain for any Time not exceeding Three Months, unless such Penalties, Forfeitures, and Costs shall be sooner paid.

Summons in the Recovery of Penalties.

Proceedings.

LXXII. And be it enacted, That if any Person shall be summoned as a Witness to give Evidence before such Justices of the Peace touching any Matter which such Justices are hereby authorized to inquire into, and shall neglect or refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such Neglect or Refusal, to be allowed by such Justices, or appearing shall refuse to be examined on Oath and give Evidence before such Justices, then every such Person shall forfeit for every such Offence a Sum not exceeding Five Pounds, to be levied and paid in such Manner and by such Means as are herein-before directed as to other Penalties recoverable before Justices under this Act.

Compulsory Attendance of Witnesses.

LXXIII. And be it enacted, That every Proceeding for any Offence punishable on summary Conviction by virtue of this Act, shall be commenced within Six Months after the Commission of the Offence, and not after.

Limitation of Proceedings for Penalties.

LXXIV. And be it enacted, That if any Person shall think himself aggrieved by the Judgment of such Justices, he may, within One Month next after such Conviction, and upon giving

Appeal to Quarter Sessions.

*Legal Proceedings.**Proceedings.**Informalities.**No Certiorari.**Recovery of Penalties by Action.**Specification of Amount.**Actions, &c. for Penalties to be in the Name and with the Consent of the Attorney General; otherwise void.**Miscellaneous.**Authentication of Acts by Committee of Privy Council for Trade.**Annual Report to Parliament.*

Ten Days Notice of Appeal in Writing to the Party in whose Favour such Judgment shall have been given, stating the Nature and Grounds of Appeal, and upon entering into Recognizances with Two sufficient Sureties to the Amount of the Value of such Penalty and Costs, together with such further Costs as shall be awarded in case such Judgment shall be affirmed, appeal to the next General Quarter Sessions of the Peace for the County, City, or Place where such Conviction shall have been made; and the Justices at such Sessions are hereby empowered to summon and examine Witnesses on Oath, and to hear and finally determine the Matter of such Appeal, and to award such Costs as the Court shall think reasonable to the Party in whose Favour such Appeal shall be determined.

LXXXV. And be it enacted, That no Conviction or other Proceeding before Justices under this Act shall be set aside for Want of Form, nor be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

LXXXVI. And be it enacted, That in any Case to which a Penalty is annexed by this Act the Whole or any Part of such Penalty may be recovered by Action of Debt in any Court now or hereafter having competent Jurisdiction, by any Person who shall sue for the same; and that in every such Action for the Recovery of such Penalty, so much of such Penalty as is sought to be recovered shall be endorsed on the Writ of Summons, and the Plaintiff shall not be entitled to recover a greater Sum than the Sum so endorsed; and if the Party suing for any such Penalty recover the same, or any Part as aforesaid, he shall be entitled to full Costs of Suit.

LXXXVII. And be it enacted, That it shall not be lawful for any Person to commence or prosecute any Action, Bill, Complaint, Information, or Prosecution in any of Her Majesty's Superior Courts for the Recovery of any Penalty or Forfeiture incurred by reason of any Offence committed against this Act, unless the same be commenced or prosecuted in the Name and with the Consent of Her Majesty's Attorney General; and that if any Action, Bill, Complaint, Information, or Prosecution, or any Proceeding before any Justices as aforesaid, shall be commenced or prosecuted in the Name of any other Person than is in that Behalf before mentioned, the same shall be and are hereby declared to be null and void.

LXXXVIII. And be it enacted, That with regard to every Act, Instrument, or Writing by this Act required or authorized to be done or to be made or executed by the Committee of Privy Council for Trade, that if the same purport to be so done, made, or executed by or on behalf of the said Committee, and be signed by One of the Secretaries of the said Committee, and (if it require a Seal) be sealed by the Seal of the said Committee, then it shall be deemed to be sufficiently done, made, or executed, to all Intents and Purposes.

LXXXIX. And be it enacted, That it shall be the Duty of the Registrar of Joint Stock Companies to make a Report annually to the said Committee of Privy Council for Trade, setting forth,—

1. A List of Companies provisionally registered during the past Year;
2. A List

2. A List of Companies completely registered during the past Year :
3. A List of Cases in which Application shall have been made for the Enforcement of Penalties for Failure to register, and the Proceedings, whether by Prosecution or otherwise, taken in consequence of such Applications, and the Results of such Proceedings :
4. A List of Companies which shall have been provisionally registered, but which have not obtained complete Registration :
5. A Return of the Regulations made by the said Committee with regard to the Returns required to be made by Companies :
6. A Return of Persons appointed to the Office of Registrar of Joint Stock Companies, and other Officers and Clerks, and of their Salaries or other Remuneration, and of the Rules made for the Regulation of the said Office :
7. A Return of the Amount of all Fees paid for Certificates of provisional or complete Registration, and for every other Purpose :
8. A Return of the Scale of Fees appointed by the Commissioners of Her Majesty's Treasury for the Services to be performed by the Registrar, and of the respective Amounts of such Fees :
9. A Return of the Cases in which the Companies had failed to appoint Auditors, and of the Proceedings taken thereon :
10. A Return of Prosecutions under this Act for any Offences not herein-before specified :
11. A Return of the Number of Bankruptcies of Joint Stock Companies, and of the Amount of the Debts and Assets of such Companies respectively :
12. A Return of Modifications made by the Committee of Privy Council for Trade, in pursuance of this Act, in the Conditions and Regulations to be observed by Companies, whether existing or future :

And that, within Six Weeks after the Meeting of Parliament next after the First Day of *January* in every Year, such Report shall be laid before both Houses of Parliament.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)—See § 7.

LIST of PURPOSES for which Provision is required to be made by the Deed of Settlement of a Company before such Company can obtain a Certificate of complete Registration.

I.—For the holding of Meetings, and the Proceedings thereat; viz.

1. For holding ordinary General Meetings of the Company once at the least in every Year, at some appointed Place and Time.

2. For holding extraordinary Meetings, either upon the convening of the Directors of the Company, or upon the Requisition of not less than Five Shareholders.
3. For the Adjournment of Meetings.
4. For the Advertisement and Notification of Meetings, and the Business to be transacted thereat.
5. For defining the Business which may be transacted at Meetings, ordinary and extraordinary, or at Adjournments thereof.
6. For the Appointment of the Chairman at any Meeting of the Company.
7. For ensuring that each Shareholder shall have a Vote; and where it is not provided that each Shareholder is to have a Vote in respect of each Share, the Appointment of the Number of Votes to be given by Shareholders in respect of any Number of Shares held by them.
8. For enabling Guardians, Trustees, and Committees to vote in respect of the Interests of Infants, Cestuique Trusts, Lunatics, and Idiots.
9. For ascertaining what shall be the Majorities or Numbers of Votes requisite to carry all or any Questions, and where a simple Majority is to decide.
10. For prescribing the Mode and Form of the Appointment of Proxies to vote in the Place of absent Shareholders, and for limiting the Number of Proxies which may be held by any one Person.
11. For determining Questions where the Votes are equally divided, whether by the casting Vote of the Chairman or otherwise.

II.—*For the Direction of the Execution of the Affairs of the Company, and the Registration of its Proceedings; viz.*

12. For prescribing the maximum Number of Directors to be appointed; the Number of Shares or the Amount of Interest by which they are to be qualified; the Period for which they are to hold Office, so that at least One Third of such Directors, or the nearest Number to One Third, shall retire annually, subject to Re-election if thought fit; and for the Determination of the Persons who shall so retire in each Year.
13. For filling up Vacancies in the Office of the Directors as they occur; but not so as to enable the Board of Directors (if the filling up be assigned to them) to fill up such Vacancy for a longer Period than until the next General Meeting of the Company.
14. For the Continuance in Office of Directors in default of Election of new Directors.
15. For regulating the Meetings of Directors, the Quorum thereof, the Proceedings thereat, and the Adjournment thereof.
16. For recording the Attendances of Directors, and reporting the same to the Shareholders.
17. For the Determination of Questions upon which the Votes of the Directors may be equally divided.

18. For

18. For the Appointment of a Person to take the Chair of the Directors, and for supplying any Vacancy in the Office of Chairman.
19. For the Appointment of the Chairman of the Directors at Meetings at which the permanent Chairman may not be present.
20. For regulating the Appointment by the Directors of Officers, Clerks, and Servants.
21. For recording the Proceedings of the Directors.
22. For keeping and entering of Minutes of such Proceedings.
23. For ensuring the safe Custody of the Seal of the Company, and for regulating the Authority under which it is to be used.
24. For providing for the Remuneration of the Auditors of the Accounts of the Company.
25. For providing for the Appointment of a Secretary or Clerk (if any) of the Directors.
26. For providing for the Receipt, Custody, and Issue of Monies belonging to the Company.
27. For providing for the keeping of Books of Account, and for periodically balancing the same.
28. For keeping the Records and Papers of the Company.
29. For prescribing and regulating the Duties and Qualifications of Officers.
30. For determining what Books of Accounts, Books of Registry, and other Documents may be inspected by the Shareholders of the Company, and for regulating such Inspection.

III.—*For the Distribution of the Capital of the Company into Shares, or for the Apportionment of the Interest in the Property of the Company ; viz.*

31. For determining whether Calls or Instalments of Payments (if any) are to be made in certain Amounts and at fixed Periods, and if so, what Amounts and at what Periods.
32. For determining whether, on Failure to pay any Instalments or Calls, the Share shall or shall not be forfeited, and if forfeited, whether and on what Conditions the Property in such Share may be recovered by the Shareholder.
33. For determining whether, and under what Circumstances, and on what Conditions, the Capital of the Company may be augmented, by the Conversion of Loans into Capital or otherwise, or by the Issue of new Shares or otherwise.
34. For determining whether the Amount of new Capital shall or shall not be divided so as to allow such Amount to be apportioned amongst the existing Shareholders.

IV.—*For the borrowing of Money ; viz.*

35. For determining whether the Company may borrow Money, and if so, whether on Bond or Mortgage, or any other and what Security.
36. For determining whether the Directors may contract Debts in conducting the Affairs of the Company, and if so, whether to any definite Extent.

- 37. For determining whether and to what Extent the Directors may make or issue Promissory Notes.
- 38. For determining whether and to what Extent the Directors may accept Bills of Exchange.

SCHEDULE (B.)—See § 7.

CERTIFICATE required to be endorsed on the Deed of Settlement and signed by Two Directors.

We do hereby certify, That the within-written Deed is the Deed of Settlement of _____ Company, and that to the best of our Knowledge the Particulars therein contained are correctly set forth.

SCHEDULE (C.)—See § 4.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. , 1844.

**FOR PROVISIONAL REGISTRATION.
Name and Business of the Company.**

Name of the proposed Company.	Business or Purpose.	Place of Business (if any).

Promoters of the Company.

Names.	Occupations.	Places of Business (if any).	Places of Residence.

. The Names of the Provisional Officers may be added to this Return under a separate Head, and the Subscribers may be given in a similar Manner.

Provisional Committee or Provisional Directors.

Names.	Occupations.	Places of Business (if any).	Places of Residence.	Signature of Consent to act on Committee or as a Director.

Dated this

Day of

18

[Signature.]

SCHEDULE (D.)

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

Change of Place of Business.

Name of Company.	Business or Purpose.	Former Place [or principal Place, if more than One,] of Business.	Present Place [or principal Place] of Business.

[Date.]

[Signature.]

SCHEDULE (E.)—See § 11.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

Transfer of Shares.

Name of Company.	Business or Purpose.	Place [or principal Place, if more than One,] of Business.	
		f	
Name and Place of Abode of Person by Transfer whom is made.	Name and Place of Abode of Person to whom Transfer is made.	Distinctive Numbers of the Shares transferred.	Date of Transfer.

[Date.]

[Signature.]

SCHEDULE (F.)—See § 12.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, Vict. c. ., 1844.

Change of Shareholders.

Name of Company.	Business or Purpose.	Place [or principal Place, if more than One,] of Business.

Persons known to have ceased to be Shareholders (except by Transfer) since the last Return, dated the Day of

Name.	Place of Abode.	Distinctive Number of Shares.

Persons known to have become Members (except by Transfer) since the last Return, dated the Day of

Name.	Place of Abode.	Distinctive Number of Shares.

Persons whose Names have become changed by Marriage or otherwise.

Former Name.	Former Place of Abode.	Present Name.	Present Place of Abode.	Distinctive Number of Shares.

[Date.]

[Signature.]

SCHEDULE (K).—See § 53.

TRANSFER OF SHARES.

I *A.B.* of _____ in consideration of the Sum
of _____ paid to me by *C.D.* of _____
do hereby transfer to the said _____ Share [*or Shares*],
numbered _____ in the Undertaking called the
Company, to hold unto the said _____ his Executors, Ad-
ministrators, and Assigns, [*or Successors and Assigns,*] subject to
the several Conditions on which I hold the same at the Time of
the Execution hereof. And I the said _____ do hereby
agree to take the said Share [*or Shares*], subject to the same
Conditions, and to the Provisions of the Deed or Deeds of Set-
tlement of the said Company. As witness our Hands and Seals
the _____ Day of _____
[Signature.]

C A P. CXI.

An Act for facilitating the winding up the Affairs of Joint
Stock Companies unable to meet their pecuniary Engage-
ments. [5th September 1844.]

‘ **W**HEREAS it is expedient to extend the Remedies of Cre-
‘ ditors against the Property of such Joint Stock Companies
‘ or Bodies as herein-after mentioned when unable to meet their
‘ pecuniary Engagements, and to facilitate the winding up of their
‘ Concerns; and it may also be for the Benefit of the Public to
‘ make better Provision for Discovery of the Abuses that may
‘ have attended the Formation or Management of the Affairs of
‘ any such Companies or Bodies, and for ascertaining the Causes
‘ of their Failure: Be it enacted by the Queen’s most Excellent
Majesty, by and with the Advice and Consent of the Lords Spi-
ritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, That if any com-
mercial or trading Company now or at any Time hereafter incor-
porated by Charter or Act of Parliament, or any Company or
Body of Persons now or at any Time hereafter associated together
for any commercial or trading Purposes, and to which any Pri-
vilege or Privileges or Power or Powers shall, before or after the
passing of this Act, have been granted under the Authority of
the Statute made and passed in the First Year of the Reign of Her
present Majesty, intituled *An Act for better enabling Her Majesty*
to confer certain Powers and Immunities on trading and other
Companies, or by any Act of Parliament, or any Commercial or
Trading Company or Body which by the said Statute made and
passed in the First Year of the Reign of Her present Majesty is
to be considered as subsisting, and to be subject to the Provisions
of the said Statute in manner therein mentioned, or any Company
or Body of Persons now or at any Time hereafter associated to-
gether for any commercial or trading Purposes, and registered either
provisionally or completely under the Provisions of any Act passed
or to be passed in the present Session of Parliament, for the Re-
gistration and Regulation of Joint Stock Companies, or any Joint
Stock Company now existing and comprehended within the De-
finition

If any incor-
porated com-
mercial or
trading Com-
pany, or any
other Body of
Persons asso-
ciated together
for commercial
or trading Pur-
poses, as herein
described, shall
commit any Act
which is hereby
deemed an Act
of Bankruptcy
on the Part of
such Company,
a Fiat in Bank-
ruptcy may
issue against the
same, and be
prosecuted in
like Manner as
against other
Bankrupts, &c.

definition therein contained of a Joint Stock Company, shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company or Body, a Fiat in Bankruptcy may issue against such Company or Body by the Name or Style of the said Company or Body, upon the Petition of any Creditor or Creditors of such Company or Body (whether a Member or Members of such Company or Body or not), to such Amount as is now by Law requisite to support a Fiat in Bankruptcy; and the Court authorized to act in the Prosecution of such Fiat, and all Persons acting under such Fiat, may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

II. Provided always, and be it enacted, That the Bankruptcy of any such Company or Body in its corporate or associated Capacity (as the Case may be) shall not be construed to be the Bankruptcy of any Member of such Company or Body in his individual Capacity.

III. And be it enacted, That the Duplicate of the Adjudication of Bankruptcy under a Fiat against any such Company or Body shall be served on the Person who was at the Date of such Fiat a Chief Clerk or Secretary or Registrar of such Company or Body, or (if there be no such Person) on any Person who was at such Date a Director of such Company or Body, personally, or by leaving the same at the Head Office for the Time being of such Company or Body; and the Surrender to such Fiat for the Purpose of consenting to, and the Consent to, the Advertisement of such Adjudication before the Expiration of the Five Days allowed for showing Cause against the Validity thereof, may be made on behalf of such Company or Body by such Person; provided such Person shall, at the Time of such Surrender, make a Deposition, and swear that he was, at the Date of such Fiat, such Chief Clerk or Secretary or Registrar, as the Case may be, and that he is authorized to make such Surrender.

IV. And be it enacted, That if any such Company or Body shall, by virtue of a Resolution to be duly passed in that Behalf at a Board of Directors of such Company or Body duly summoned for that Purpose, file or cause to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing, in the Form specified in the Schedule (A.) No. 1. hereunto annexed, that the said Company or Body is unable to meet its Engagements, and also a Minute of such Resolution in the Form specified in the said Schedule (A.) No. 2., such Declaration and Minute of Resolution respectively being under the Common Seal of such Company or Body, and if such Company or Body have no Common Seal, then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration and Minute of Resolution being respectively attested by the Attorney or Solicitor of the said Company or Body for the Time being, every such Company or Body shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Fiat in Bankruptcy shall issue against such Company or Body within Two Calendar Months from the filing of such Declaration; and a Copy of such Declaration and Minute of Resolution respectively, purporting to be

Bankruptcy of Company not to be Bankruptcy of any Member.

Service of Adjudication of Bankruptcy on Company, and Surrender, how to be made.

Declaration of Insolvency in pursuance of a Resolution of the Board of Directors under the Common Seal of the Company, or signed by the Chairman, and attested by the Solicitor of the Company, and filed in the Office of the Secretary of Bankrupts, to be an Act of Bankruptcy.

be certified by the said Secretary, or his Clerk, as a true Copy, shall be received as Evidence of such Declaration and Minute of Resolution respectively having been filed by such Company or Body, and that upon such Evidence being given, and upon Proof by the attesting Witness of the Sealing or Signature, as the Case may be, of the said Declaration and Minute of Resolution, no further Evidence shall be required of the said Act of Bankruptcy.

Company not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within 14 Days after Notice requiring Payment, an Act of Bankruptcy.

V. And be it enacted, That if any Plaintiff shall recover Judgment in any Action personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off, or which may be legally set off against such Judgment, and such Company or Body shall not, within Fourteen Days after Notice in Writing, served upon the said Company or Body, by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body, personally, or by the same having been left at the Head Office for the Time being of such Company or Body, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

VI. And be it enacted, That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company or Body, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such Company or Body, ordering any Sum of Money to be paid by such Company or Body, and such Company or Body shall disobey such Decree or Order, the same having been served upon such Company or Body, by Service of the same on a Chief Clerk or Secretary or Registrar of the said Company or Body, or (if there be no Officer of such Denomination) on any Director of the said Company or Body, personally, or by the same having been left at the Head Office for the Time being of such Company or Body, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, 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 Company or Body, being served in manner aforesaid with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same,

same, such Company or Body shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

VII. And be it enacted, That if any Creditor or Creditors of any such Company or Body to such Amount as is now by Law requisite to support a Fiat shall file an Affidavit or Affidavits in any of Her Majesty's Superior Courts of Law at *Westminster* that such Debt or Debts is or are justly due to him or them respectively from the said Company or Body, and that such Company or Body, as he or they verily believe, is a Commercial or Trading Company, or Body incorporated or associated as aforesaid (as the Case may be), and shall sue out of the same Court a Writ of Summons against such incorporated Company, or against any Person duly authorized to be sued as the nominal Defendant on behalf of such associated Company or Body, as the Case may be, and serve a Chief Clerk or Secretary or Registrar of such incorporated or associated Company or Body, as the Case may be, or (if there be no Officer of such Denomination) any Director of the said Company or Body, personally, with a Copy of such Summons, if such Company or Body shall not, within One Calendar Month after Service of such Summons, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or make it appear to the Satisfaction of One of the Judges of the Court out of which such Writ of Summons shall issue that it is the Intention of such Company to defend the Action upon the Merits, and within One Calendar Month next after 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 Company or Body shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Creditor filing an Affidavit of Debt in one of the Superior Courts, and issuing a Writ of Summons thereon, if the Company do not, within a Month, pay or compound for Debt, or satisfy a Judge of their Intention to defend on the Merits and enter an Appearance, an Act of Bankruptcy.

VIII. And be it enacted, That it shall be lawful for the Assignees of the Estate and Effects of any such Company or Body to maintain any Action, Suit, or other Proceeding against any Person or Persons (whether a Member or Members of such Company or Body or not) to recover any Debt or Demand on behalf of the said Company or Body against such Person or Persons, and for any Person or Persons to prove or claim under the Fiat against such Company or Body such Debt or Demand as may be due to him or them (whether a Member or Members of such Company or Body or not) on the Balance of Accounts between him or them and the said Company or Body.

Assignees of the Estate of a Company may maintain Action to recover a Debt, &c.

IX. Provided always, and be it enacted, That no Claim or Demand which any Member of any such Company or Body may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off, either at Law or in Equity, against any Demand which the Assignees of the Estate and Effects of such Company or Body may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interest, Profits, or Bonus payable or apportionable in respect thereof.

No Claim of any Member in respect of his Share to be set off against any Demand of the Assignees of a bankrupt Company against such Member.

X. And

No Action, &c. by a Creditor of a Company, so far as concerns his Recourse against any individual Member, to affect his Right against the Company for any unsatisfied Debt; and a Fiat, or a Proof or Proceeding thereon, not to affect Creditors Recourse against any Member.

X. And be it enacted, That no Action, Suit, or other Proceeding by any Creditor or Creditors of any such Company or Body shall, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof, be deemed to prejudice or in any Manner affect the Right of such Creditor or Creditors to sue out or prosecute a Fiat against such Company or Body, or his or their Right to prove or claim under any Fiat against such Company or Body any Debt or Demand remaining unsatisfied; and that no such Fiat, or Proof or Proceeding thereunder, shall be deemed to prejudice or in any Manner affect the Right of any Creditor or Creditors of such Company or Body to institute or maintain any Action, Suit, or other Proceeding, so far as concerns or may be necessary for the Recourse of such Creditor or Creditors, against the Person, Property, or Effects of any Member or Members thereof for the Time being, or any former Member or Members thereof: Provided always, that nothing herein contained shall prevent Remedy against Copartners: Provided also, that no Execution in respect of any Debt or Demand proveable under the Fiat against any such Company or Body adjudged bankrupt shall be issued against the Person, Property, or Effects of any Member or Members for the Time being of such Company or Body, or any former Member or Members thereof, until after such Debt or Demand shall have been proved under such Fiat, nor shall any such Execution be issued after the Appointment of a Receiver in manner herein-after mentioned, without Leave of the High Court of Chancery.

Law, &c. in Bankruptcy to extend to Fiats under this Act.

XI. And be it enacted, That the Law and Practice in Bankruptcy now in force shall extend, so far as the same may be applicable, to this Act, and to Fiats in Bankruptcy issued by virtue of this Act, and to all Proceedings under such Fiats, save and except as may be otherwise directed by this Act.

The Court may order the Directors of a Company adjudged bankrupt, &c., to prepare and file a Balance Sheet and Accounts; and may make Allowance out of the Estate for the Preparation thereof.

XII. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of a Fiat in Bankruptcy against any such Company or Body, at any Time after the Advertisement of the Bankruptcy in the *London Gazette*, to order that the Persons who were at the Date of such Fiat Directors of such Company or Body, or such of them as such Court in its Discretion shall think fit, or if there be no Directors then such Members of the Company as such Court in its Discretion shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as such Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in such Court, and deliver a Copy thereof to the Official Assignee Ten Days at least before the last Examination under such Fiat; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require, and such Court shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be duly required so to do; and such Court may from Time to Time make such Allowance out of the Estate of such Company or Body for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons, as such Court shall think fit.

XIII. And

XIII. And be it enacted, That every such Person ordered as aforesaid to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender to the Court authorized to act in the Prosecution of such Fiat, at the Hour and upon the Day allowed for finishing the last Examination under such Fiat, and to sign and subscribe such Surrender, and to submit to be examined before such Court from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company or Body, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Court, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination under such Fiat all such Part of the Estate of such Company or Body, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling 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 the Creditors of such Company or Body, as is now by the Law in force concerning Bankrupts provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

XIV. And be it enacted, That every such Person so ordered as aforesaid to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender to such Fiat, and such Discharge, if arrested in coming to surrender, as a Bankrupt now has or may have under a Fiat in Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court, by Warrant, in like Manner as such Bankrupt now may.

XV. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of a Fiat in Bankruptcy, issued against any such Company or Body, before Adjudication to summon before such Court any Person (whether a Member of such Company or Body or not) whom such Court shall believe capable of giving any Information concerning the commercial Dealings or Trading of, or any Act or Acts of Bankruptcy, within the Meaning of this Act, committed by such Company or Body, and also to require such Person so summoned to produce any Books, Papers, Deeds, Writings, and other Documents in the Custody, Possession, or Power of such Person which may appear to such Court to be necessary to establish such Dealings, Trading, or Act or Acts of Bankruptcy; and it shall be lawful for such Court to examine every such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning the Dealings or Trade of, or any Act or Acts of Bankruptcy, within the Meaning of this Act, committed by such Company or Body; and it shall also be lawful for such Court, after Adjudication, to summon before it any Person (whether a Member of such Company or Body or not) known or suspected to have any of the Estate of such Company or Body in his Possession, or who is supposed to be indebted to such Estate, or any Person (whether a Member of such Company or Body or not) whom

Persons ordered to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination, &c., and to incur such Danger or Penalty for not conforming, &c., as is now provided against a Bankrupt;

and to have same Freedom from Arrest, &c., as a Bankrupt.

The Court, before Adjudication, may summon any Person, whether a Member of the Company or not, to give Evidence as to the Trading and any Act of Bankruptcy; and, after Adjudication, the Court may summon and examine any Person who is suspected to have Property of the Company in his Possession, or to be indebted to the Company, &c., and compel him to produce Books, &c.

whom such Court believes capable of giving Information concerning any Person or Persons who was or were a Member or Members of such Company or Body at or before the Date of the Fiat, or concerning the Trade, Dealings, or Estate of such Company or Body, or concerning any Act or Acts of Bankruptcy, within the Meaning of this Act, committed by such Company or Body, or any Information material to the full Disclosure of the Dealings of such Company or Body; and it shall be lawful for such Court to examine, in manner aforesaid, every such Person so summoned concerning the Person of any such Member, or concerning the Trade, Dealings, or Estate of such Company or Body, and also to require every such Person so summoned to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody, Possession, or Power which may appear to such Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which such Court is authorized to inquire into; and every such Person so summoned shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of such Court, 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 now provided against Persons summoned to be examined under a Fiat in Bankruptcy.

Costs where a Person summoned under a Fiat against a Company is a Member thereof.

Penalty on Members, &c. concealing the Estate of the Company, 100*l.*, and Double the Value of the Estate concealed.

XVI. And be it enacted, That where any Person who, at or before the Date of a Fiat in Bankruptcy issued against any such Company or Body, was a Member of such Company or Body, shall be summoned to attend before the Court authorized to act in the Prosecution of such Fiat, every such Person shall have such Costs and Charges only (if any) as such Court in its Discretion shall think fit.

XVII. And be it enacted, That if any Person who, at or before the Date of the Fiat against any such Company or Body, was a Member of such Company or Body, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person shall wilfully conceal any Real or Personal Estate of any such Company or Body, and shall not within Thirty Days after the issuing of the Fiat against such Company or Body discover such Estate to the Court authorized to act in the Prosecution of such Fiat, or to the Assignees, every such Person shall forfeit the Sum of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person, other than a Person having been a Member of such Company or Body, who shall, after the Time allowed for finishing the last Examination under such Fiat, voluntarily discover to such Court or the Assignees any Part of the Estate of such Company or Body not before come to the Knowledge of the Assignees, shall be allowed Five Pounds *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.

Court may order Treasurer, Solicitor, &c. of Bankrupt, to deliver to Official

XVIII. And be it enacted, That after the Adjudication of Bankruptcy under any Fiat already issued or hereafter to be issued shall have been advertised in the *London Gazette*, it shall be lawful for the Court authorized to act in the Prosecution of such

such Fiat to order any Treasurer or other Officer, or any Attorney or Solicitor, or other Agent of the Company or Body, or Person or Persons, adjudged bankrupt under such Fiat, to pay and deliver over to the Official Assignee appointed under such Fiat, or to the Bank of *England*, or any of the Branches thereof, to the Credit of the Accountant in Bankruptcy, according to the Rules now or hereafter in force with respect to Payments into the Bank of *England* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power, as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

Assignee, &c. all Monies, &c. in his Power, which he is not entitled to retain as against the Bankrupt.

XIX. And it is hereby declared and enacted, That if any Person shall disobey any Rule or Order of the Court authorized to act in the Prosecution of any Fiat in Bankruptcy, duly made by such Court for enforcing any of the Purposes and Provisions of this Act, or of any other Act relating to Bankruptcy or Insolvency, now or hereafter to be in force, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, it shall and may be lawful for such Court, by Warrant under Hand and Seal, to commit the Person so offending to the Queen's Prison or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain without Bail or Mainprize until such Person shall have fulfilled the Duty required by such Rule or Order, or until such Court or the Lord Chancellor shall make Order to the contrary.

Persons disobeying Rule or Order of Court to be committed to Prison.

XX. And be it enacted, That it shall be lawful for the Court authorized to act in the Prosecution of any such Fiat in Bankruptcy to direct the Creditors Assignees of the Estate and Effects of any such Company or Body to apply to the High Court of Chancery, by Petition in a summary Way to the Lord Chancellor or the Master of the Rolls, praying that all such Orders and Directions may be given as shall be necessary for the final winding up and settling the Affairs of such Company or Body, and to compel a just Contribution from all the Members of such Company or Body towards the full Payment of all the Debts and Liabilities of such Company or Body, and of the Costs of winding up and finally settling the Affairs of such Company or Body; and that upon the hearing of such Petition it shall be lawful for the said High Court of Chancery to refer it to one of the Masters of the High Court of Chancery to take all such Accounts and make all such Inquiries as shall be required for the Purpose of ascertaining what Sum of Money in the whole, and what Sums of Money as proportionate Parts of the whole, or what Sum or Sums of Money from Time to Time on account, will (having regard to the Deed of Settlement of such Company, and the Calls, Contributions, Debts, or Demands actually paid by the several and respective Members thereof, and also having regard to any Proceedings in the Court of Bankruptcy, or any District Court of Bankruptcy,) be necessary and proper to be raised by Calls or Contributions from the respective Members of such Company or Body for the Payment and Satisfaction of all the Debts and Liabilities of such Company or Body, and also of all the Costs of winding up and settling the Affairs of the said Company; and that the High Court of Chancery, upon Confirmation

The Court may direct the Assignees of the Estate of a Company adjudged bankrupt to petition the Court of Chancery for Directions for winding up the Affairs of the Company, upon which Petition an Order of Reference may be made, and Accounts taken, and upon the Confirmation of the Master's Report a Receiver may be appointed.

of the Master's Report made upon any such Reference, or upon making such Reference, or otherwise, may order the Payment of the several and respective Sums of Money which by such Report are found necessary and proper to be paid, and may refer it to the Master to appoint a Receiver to collect and receive such Sums of Money, and either to pay the same into the Bank of *England*, in the Name and to the Account of the Accountant General of the High Court of Chancery, to the Credit of such Company or Body, and may, upon the Petition of such Assignees, order such Sums of Money to be paid in or towards satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company or Body, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, or may order such Receiver to pay such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs, in the first instance.

The Court of Chancery may make Order in individual Claims in respect of the Transactions of the Company.

XXI. And be it enacted, That if it shall appear that any individual Members of such Company or Body have Claims against each other in respect of the Affairs or Transactions of such Company or Body, it shall be lawful for the Court of Chancery, upon the Petition of any Member of such Company or Body, alleging that he hath any such Claim against any other Member of the said Company or Body, to make all such Orders as shall be just for the Purpose of finally settling and determining such Claim, and may order the Payment of such Sum of Money (if any) as shall appear to be due in respect of any such Claim.

The Lord Chancellor, with the Advice and Consent of the Master of the Rolls and Vice Chancellors, to make Rules and Orders as to the Form and Mode of Proceeding for settling and enforcing Contribution to be made by Members of Company, and the Practice to be observed by the Court of Chancery and the Masters in such Proceeding.

XXII. 'And whereas the Law is defective in the Means of making the Members of Joint Stock Companies Contributaries for paying their Debts in full, and in the Means of giving Relief where Execution may have been had in respect of a Debt due from any such Company against one or a very few Members of such Company, and also in the Means of adjusting the Rights of the Members of any such Company amongst themselves, and finally winding up the Affairs of such Company;' be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Consent of the Master of the Rolls and the Vice Chancellors for the Time being, or any Two of them, from Time to Time, and as often as Circumstances shall require, to make and prescribe such Rules and Orders touching and concerning the Form and Mode of Proceeding to be had and taken in the Court of Chancery for settling and enforcing the Contribution to be paid by any Member or Members for the Time being of any such Company, or any former Member or Members thereof, or any Real or Personal Representative, or other Persons liable in that Behalf, and the Practice to be observed by such Court in or relating to such Proceeding, or any Matters incident thereto, and the Form and Mode of Proceeding to be had and taken before any one of the Masters of the said Court, primarily or by Reference from the said Court, in any Matter for or relating to Contribution, as shall from Time to Time seem necessary and proper for the Advancement of Justice in such Cases, and for adjusting and determining the Rights and Equities of the Parties concerned, and for suing for and getting in the Assets, and for ascertaining and discharging the Liabilities of such Companies, and requiring the Creditors thereof to claim their Debts,

Debts, and finally winding up the Affairs thereof, with as little Delay, Expencc, and Uncertainty as possible: Provided always, that such Rules and Orders shall 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; and every Rule and Order so made shall be binding and obligatory, and be of like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament.

XXIII. And be it enacted, That an Act passed in the Forty-first Year of the Reign of King George the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of Great Britain and Ireland, and for the better Administration of Justice within the same*, shall extend to Decrees or Orders made by the said Court of Chancery in any Suit, Proceeding, or Matter under or by virtue of this Act.

41 G.3. (U.K.)
c. 90. to extend
to Decrees, &c.
in Chancery in
Suits under Act.

XXIV. And be it enacted, That on Production of an Office Copy of any Decree or Order of the Court of Chancery made in any Proceeding under or by virtue of this Act, and of an Affidavit that Application has been duly made to the Person mentioned in such Decree or Order for Payment of the Sum thereby ordered to be paid by him, and that Default has been made in Payment thereof, to One of the Principal Clerks of the Court of Session in Scotland, or his Deputy, for Registration there, such Decree or Order shall thereupon be registrable and registered there in like Manner as a Bond executed according to the Law of Scotland, with a Clause of Registration therein contained, and Execution shall and may pass upon a Decree to be interponed thereto in like Manner as Execution passes upon a Decree interponed to such Bond, and shall have the like Effect upon and against the Person named in such Decree or Order of the said Court of Chancery as if he had executed such Bond.

Decrees, &c. in
Chancery under
this Act may
be registered in
Scotland, and
Execution may
be had as upon
a Decree inter-
poned upon a
Bond, &c.

XXV. And be it enacted, That previous to passing the last Examination under a Fiat against any such Company or Body adjudged bankrupt it shall be the Duty of the Court authorized to act in the Prosecution of such Fiat to inquire, by the Examination of such Person or Persons as such Court shall think fit, into the Cause of the Failure of such Company or Body; and after the passing of such last Examination, or after the Time allowed by such Court for that Purpose shall have elapsed, such Court shall cause a Copy of the Balance Sheet filed in the Court under such Fiat to be transmitted to the Committee of Privy Council for Trade and Plantations, and such Court shall at the same Time certify in Writing to the said Committee what, in the Opinion of such Court, was the Cause of the Failure of such Company or Body, and shall have Liberty to state any special Circumstances relating to the Formation or Management of the Affairs of such Company or Body, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Fiat, and which such Court shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

Previous to
passing the last
Examination
the Court shall
inquire into the
Cause of the
Failure of a
Company, and
after the last
Examination
shall cause a
Copy of the
Balance Sheet
to be trans-
mitted to Board
of Trade, &c.

After the Court shall have certified to Board of Trade the Cause of Failure of Company, the Queen, upon Recommendation of the Board, may revoke Privileges granted to Company, &c.

XXVI. And be it enacted, That after the Court shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of *Great Britain*, or Privy Seal, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time, by any Charter or Letters Patent or Act of Parliament, granted to such Company or Body, and to determine the same; and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company or Body shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, any thing in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

After the Court shall have certified to the Board of Trade the Cause of the Failure, the Board may institute Prosecutions in certain Cases.

XXVII. And be it enacted, That after the Court shall have certified to the Committee of Privy Council for Trade and Plantations the Cause of the Failure of any such Company or Body adjudged bankrupt the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company or Body, and to the Conduct of any of the Directors or other Officers of the said Company or Body therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company or Body, or any other Person; and any Prosecution or other Proceeding which shall be thereupon directed by the Attorney General shall be conducted by or under the Direction of the Commissioners of Her Majesty's Treasury.

Until Determination of Company by the Crown, it shall be considered as subsisting for the original Purposes, &c.

XXVIII. Provided always, and be it enacted, That until the Determination of such Company or Body by Her Majesty, Her Heirs or Successors, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company or Body under the Fiat issued against such Company or Body.

Company to be considered as subsisting so long as any Matters remain unsettled.

XXIX. And be it enacted, That, notwithstanding the Determination of any Company or Body incorporated or associated within the Meaning of this Act, as the Case may be, by any other Means than as last aforesaid, such Company or Body, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company or Body shall remain unsettled.

Any Member of a Company

XXX. And be it enacted, That if any Person, being a Member of any such Company or Body which shall be adjudged bankrupt, shall,

shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company or Body, or in contemplation of the Bankruptcy of such Company or Body, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company or Body, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud the Creditors of such Company or Body, or to defeat the Object of this or any other Statute relating to Bankrupts, every such Person shall be deemed to be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

adjudged bankrupt, with Knowledge of or in contemplation of a Bankruptcy, destroying Books, &c. guilty of a Misdemeanor.

XXXI. And be it enacted, That in construing this Act all Powers given or Duties directed to be performed by the Lord Chancellor may be performed by the Lord Keeper or Lords Commissioners of the Great Seal; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Words "Fiat in Bankruptcy" shall mean also and include any Commission of Bankrupt; unless (in the Cases above specified) a different Construction shall be provided, or the Construction be repugnant to the Subject Matter or Context.

Construction of the Act.

XXXII. And be it enacted, That this Act shall commence and take effect on the First Day of *November* next.

Commencement of Act.

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

Act may be amended, &c.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Declaration of Insolvency by incorporated or associated Commercial or Trading Company.

By virtue of a Resolution duly passed in that Behalf on the
Day of _____ at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, That the said Company [*or Society, &c., as the Case may be,*] is unable to meet its Engagements.

Dated this _____ Day of _____ in the Year

(*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*)

Witness _____
the Court of _____ and Attorney [*or Solicitor*] of
the said Company, and attesting Witness to the
Execution hereof as such Attorney [*or Solicitor*].

SCHEDULE (A.)

No. 2.

Minute of Resolution of a Board of Directors of incorporated or associated Commercial or Trading Company, authorizing a Declaration of Insolvency.

A RESOLUTION was duly passed on the Day of at a Board of Directors of [here state the Name or Style of the Company], duly summoned for that Purpose, that the said Company was then unable to meet its Engagements, and that a Declaration of Insolvency should be forthwith filed in the Office of the Lord Chancellor's Secretary of Bankrupts, in the Form directed by the Statute in that Case made and provided.

(Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.)

Witness G. H., Attorney [or Solicitor] of the Court of and Attorney [or Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [or Solicitor].

C A P. CXII.

An Act to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen. [5th September 1844.]

‘ WHEREAS the Prosperity, Strength, and Safety of this United Kingdom and Her Majesty's Dominions do greatly depend on a large, constant, and ready Supply of Seamen; and it is therefore expedient to promote the Increase of the Number of Seamen, and to afford them all due Encouragement and Protection, and for this Purpose to amend and consolidate the Laws relating to them; and it is also expedient to keep a Register of Seamen;’ Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and forty-five, from which Day this Act shall commence and take effect, an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service*, shall be and the same is hereby repealed, except so far as such Act repeals the Acts thereby repealed, and except so far as relates to the Establishment, Maintenance, and Regulations of the Office called “The General Register Office of Merchant Seamen:” Provided always, that all Offences which shall have been committed and all Penalties and Forfeitures which shall have been incurred previously to the Commencement of

The Act
5 & 6 W. 4. c. 19.
repealed from
and after 1st Jan.
1845, except,
&c.

of this Act shall and may be punishable and recoverable respectively under the above-mentioned Act as if the same had not been repealed; provided also, that all Acts and Things made, done, or executed under or by virtue of and in accordance with the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, prior to the Commencement of this Act, shall be good, valid, and effectual to all Intents and Purposes.

II. And be it enacted, That it shall not be lawful for any Master of any Ship, of whatever Tonnage or Description, belonging to any Subject of Her Majesty, proceeding to Parts beyond the Seas, or of any *British* registered Ship of the Burden of Eighty Tons or upwards employed in any of the Fisheries of the United Kingdom, or in proceeding Coastwise, or otherwise, from one Part of the United Kingdom to another, to carry to Sea any Seaman as one of his Crew or Complement (Apprentices excepted), unless the Master of such Ship shall have first made and entered into an Agreement in Writing with such Seaman, specifying what Wages such Seaman is to be paid, the Quantity of Provisions he is to receive, the Capacity in which he is to act or serve, and the Nature of the Voyage in which the Ship is to be employed, so that such Seaman may have some Means of judging of the Period for which he is likely to be engaged, and that such Agreement shall be properly dated, and shall be signed by such Master in the first instance, and by the Seamen respectively at the Port or Place where they shall be shipped; and that the Signature of each of the Parties thereto shall be duly attested by One Witness at the least; and that the Master shall cause the Agreement to be read over and explained to every such Seaman in the Presence of such Witness, before such Seaman shall execute the same; and it shall not be lawful for the Master of any Ship to carry to Sea any Seaman, being a Subject of Her Majesty, until he shall also have first obtained from every such Seaman or other Person his Register Ticket (to be procured as herein-after mentioned), which Ticket the said Master is hereby required to retain (except in the Cases herein-after provided) until the Service of such Seaman shall have terminated, and at the Termination of such Service the said Master shall return the Register Ticket to him.

No Seaman to be taken to Sea without a written Agreement or without a Register Ticket being obtained from such Seaman.

Agreement to be read over and explained to Seamen.

III. And be it enacted, That in the Case of any Ships, of whatever Tonnage or Description, belonging to any Subject or Subjects of Her Majesty, and proceeding to Parts beyond the Seas (except as herein-after provided,) the Agreement shall be in the Form set forth in Schedule (A.) to this Act annexed, and shall contain the several Particulars therein mentioned or required; and the Master shall, within Twenty-four Hours after the Ship's Arrival at her final Port of Destination in this United Kingdom, deliver or cause to be delivered to the Collector or Comptroller of the Customs at and for such Port every Agreement so made as aforesaid, or a true Copy thereof, and of every Endorsement thereon, the Agreement, or Copy thereof, in either Case, to be certified as such by such Master or Owner, and also by the Mate or next Officer (if any) of such Ship or Vessel, each of whom is hereby required to sign such Certificate in the Presence of One attesting Witness at the least; and if the original Agreement be delivered to such Collector or

Regulations respecting Form of Agreements, and how to be disposed of.

No Ship to be cleared inwards until Receipt for Agreement is produced.

Agreements not to extend beyond 30th June and 31st Dec. Owner or Master to deliver such Agreements or Copies thereof half-yearly.

Vessel not to receive Transire, &c. until Receipt for Agreements be produced.

Masters of Vessels under Eighty Tons, &c. to receive Tickets from Seamen

Penalty for Default.

Comptroller he shall retain the same until all the Wages to which the Agreement relates shall be paid or satisfied, and then he shall transmit such original Agreement to the Registrar of Seamen; and no such Ship shall be cleared inwards by the Tide Surveyor or other Officer until the Master shall produce and show a Certificate from such Collector or Comptroller (which he is hereby required to give) to the Effect that he has delivered his Agreement, or an attested Copy thereof, as aforesaid; and the Tide Waiters left on board shall be maintained at the Expence of the Master or Owner until such Certificate shall be produced and shown, or until it shall be proved to the Satisfaction of the Tide Surveyor or other Officer that such Agreement or Agreements, or such Copy thereof, has or have been so delivered as aforesaid; and in the Case of any Ship employed in fishing on the Coasts of the United Kingdom, or proceeding from one Part of the United Kingdom to another, or proceeding to any of the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, or to any Place on the Continent of *Europe* between the River *Elbe* inclusive and *Brest*, the Agreement shall be in the Form set forth in Schedule (B.) to this Act annexed, and shall contain the several Particulars therein mentioned or required; and every such Agreement shall not extend beyond the Thirtieth of *June* and the Thirty-first of *December* in each Year, or on Arrival in any Port of the United Kingdom after the same respective Dates; and the Owner or Master of every such Ship as last aforesaid shall, within Twenty-one Days next after the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, transmit or deliver, or cause to be transmitted or delivered, to the Collector or Comptroller of the Customs of any Port of the United Kingdom, every Agreement made within the Six Months next preceding such Thirtieth Day of *June* and Thirty-first Day of *December* respectively, or a true Copy thereof, and of every Endorsement thereon, certified as aforesaid; and such Collectors and Comptrollers respectively shall and are hereby required to give a Receipt (specifying the Nature of the Document) for every Agreement or other Document, or such Copy thereof, to the Master, Owner, or Person so delivering the same; and no Master or Owner, after the Expiration of the said Twenty-one Days, shall be entitled to or receive a Transire, or any other Customs Document necessary for the Conduct of the Business of the Ship, until he shall produce and show such Receipt, or shall prove to the Satisfaction of the Officer that every such Agreement, or such Copy thereof as aforesaid, has been duly delivered as aforesaid; and the Owner or Master of every Ship under the Burden of Eighty Tons, employed as last aforesaid, who is not required by this Act to enter into any written Agreement with his Crew, shall, before employing any Seaman or other Person in the Service of his Ship, receive from every such Seaman or other Person his Register Ticket, and shall retain the same until the Service of such Seaman or other Person shall have expired, and at the Expiration of such Service the Master shall return the Register Ticket to the Person entitled thereto.

IV. And be it enacted, That if any Master or Owner shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into the required Agreement with such Seaman,

man, or if any Master shall not obtain from any Seaman or other Person, being a Subject of Her Majesty, his Register Ticket, according to the Provisions of this Act, he shall in either and every of such Cases forfeit and pay the Sum of Ten Pounds for and in respect of every such Seaman; and if any Master or Owner shall neglect to cause such Agreement to be read over and explained to such Seaman before the signing or Execution thereof by such Seaman, the said Master or Owner shall for each Neglect forfeit and pay the Sum of Five Pounds for every such Seaman; and if any Master or Owner shall neglect or omit to deliver or cause to be delivered to such Collector or Comptroller any such Agreement, or such Copy thereof as aforesaid, or shall not deliver up any Register Ticket to the Person entitled to it at the Expiration of his Service, or otherwise, as required by this Act, he shall for every such Neglect, Omission, or Offence forfeit and pay the Sum of Ten Pounds, or if any Master or Owner shall deliver or cause to be delivered a false Copy of the Agreement he shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

V. And be it enacted, That no Seaman, by reason of any Agreement, shall forfeit his Lien upon the Ship, nor be deprived of any Remedy for the Recovery of his Wages to which he would otherwise be entitled against any Person or Persons whatever; and no Agreement contrary to or inconsistent with this Act, nor any Clause, Contract, or Engagement whereby any Seaman shall consent or promise to forego or give up any Right or Claim to Wages in the Case of Freight earned by a Ship subsequently lost, or any Right or Claim to Salvage or Reward for Salvage Services, or such Proportion of Salvage or Reward for Salvage Services as shall or may be due to him by Decree or Award, or otherwise, shall be valid or binding on such Seaman; and every Copy of an Agreement so certified and delivered as aforesaid shall in all Cases be received and taken as Evidence of the Contents of the Agreement for and on behalf of the Seaman; and no Seaman shall in any Case be required to produce such Agreement, or such Copy as aforesaid, or to give Notice for the Production thereof; but in case the Agreement shall not be produced and proved he shall be at liberty to prove the Contents or Purport thereof, or to establish his Claim by other Evidence, according to the Nature of the Case.

VI. And be it enacted, That in case a Seaman, whether before the Commencement or during the Progress of any Voyage, shall at any Time neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to Sea in such Ship, or shall absent himself therefrom without Leave, or shall desert, it shall be lawful for any Justice of the Peace in and for any of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, where or near to the Place where such Ship shall happen to be, or where such Seaman shall be found, and such Justice is hereby required, upon Complaint made upon Oath by the Master, Mate, or Owner, or his Agent, to issue his Warrant, and cause such Seaman to be apprehended, and brought before him; and in case such Seaman shall not give a Reason to the Satisfaction of such Justice for his Neglect, Refusal, or Absence, as the Case may be, or in case of Desertion,

Seamen not to be deprived of legal Remedies.

No Agreement contrary to the Act, or to forego Salvage, to be valid; and certified Copy to be Evidence.

Seamen not bound to produce Agreement.

Seamen refusing to join, or to proceed in the Ship, or absents themselves, may be committed to Gaol, or be sent on board.

When Seaman committed to Prison his Ticket to be delivered to Gaoler.

Forfeiture for temporary Absence from or Refusal to perform his Duty.

Proviso.

How Amount of Forfeiture is to be ascertained when Seamen contract for the Voyage.

Desertion, it shall be lawful for any such Justice, upon due Proof of such Neglect, Refusal, Absence, or Desertion, to commit such Seaman to Prison or to the House of Correction, there to be imprisoned, with or without hard Labour, at the Discretion of such Justice, for a Period not exceeding Thirty Days; or it shall be lawful for the said Justice, if he shall so think fit, at the Request of the Master, Mate, or Owner, or his Agent, instead of committing such Seaman, to cause him to be conveyed on board the said Ship, or to be delivered to the Master, Mate, or Owner, or his Agent, for the Purpose of being so conveyed and proceeding on the Voyage, and also to award to the Master or Owner such Costs incurred in the Apprehension of the Seaman as to such Justice shall seem reasonable, not exceeding in any Case the Sum of Forty Shillings, which shall be chargeable against and may be deducted from the Wages of such Seaman; and whenever any Seaman shall be committed to Prison or to any House of Correction, the Justice shall cause his Register Ticket to be delivered to the Governor or Keeper of such Prison or House of Correction, who shall retain the same during the Period of the Seaman's Imprisonment, and at the Expiration of such Period shall return the Register Ticket to the Seaman; and whenever a Seaman shall be sentenced to Death or Transportation the Officer having the Custody of such Seaman shall transmit his Register Ticket to the Registrar of Seamen.

VII. And be it enacted, That if any Seaman during the Time or Period specified for his Service shall wilfully and without Leave absent himself from the Ship, or otherwise from his Duty, he shall (in all Cases not of Desertion, or not treated as such by the Master,) forfeit out of his Wages the Amount of Two Days Pay, and for every Twenty-four Hours of such Absence the Amount of Six Days Pay, or, at the Option of the Master, the Amount of such Expences as shall have been necessarily incurred in hiring a Substitute; and in case any Seaman while he shall belong to the Ship shall without sufficient Cause neglect or refuse to perform such his Duty as shall be reasonably required of him by the Master or other Person in command of the Ship, he shall be subject to a like Forfeiture in respect of every such Offence, and of every Twenty-four Hours Continuance thereof; and in case any such Seaman, after the Ship's Arrival at her Port of Delivery, and before her Cargo shall be discharged, shall quit the Ship, without a previous Discharge or Leave from the Master, he shall forfeit One Month's Pay out of his Wages: Provided always, that no such Forfeiture shall be incurred unless the Fact of the Seaman's Absence, Neglect, or Refusal shall be duly entered in the Ship's Log Book, the Truth of which Entry it shall be incumbent on the Owner or Master, in all Cases of Dispute, to substantiate by the Evidence of the Mate or some other credible Witness.

VIII. And be it enacted, That in all Cases where the Seaman shall have contracted for Wages by the Voyage or by the Run or by the Share, and not by the Month or other stated Period of Time, the Amount of Forfeitures to be incurred by Seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole Time spent in the Voyage agreed upon shall exceed One Calendar Month, the Forfeiture of One Month's Pay expressed in this Act shall be accounted and taken to be a Forfeiture of a Sum of

of Money bearing the same Proportion to the whole Wages or Share as a Calendar Month shall bear to the whole Time spent in the Voyage; and in like Manner a Forfeiture of Six Days Pay, or less, shall be accounted and taken to be a Forfeiture of a Sum bearing the same Proportion to the whole Wages or Share as the Six Days or other Period shall bear to the whole Time spent in the Voyage; and if the whole Time spent in the Voyage shall not exceed the Period for which the Pay is to be forfeited the Forfeiture shall be accounted and taken to be a Forfeiture of the whole Wages or Share; and the Master or Owner is hereby authorized to deduct the Amount of all Forfeitures out of the Wages or Share of any Seaman incurring the same.

IX. And be it enacted, That any Seaman or other Person who shall desert the Ship to which he shall belong shall forfeit to the Owner thereof all his Clothes and Effects which he may leave on board, and he shall also forfeit all Wages and Emoluments to which he might otherwise be entitled; and in case of any Seaman deserting abroad he shall likewise forfeit all Wages and Emoluments whatever which shall be or become due or be agreed to be paid to him from or by the Owner or Master of any other Ship in the Service whereof such Seaman may have engaged for the Voyage back to the United Kingdom; and that all Wages and Portions of Wages and Emoluments which shall in any Case whatever become forfeited for Desertion shall be applied, in the first instance, in or towards the Reimbursement of the Expences occasioned by such Desertion to the Owner or Master of the Ship from which the Seaman shall have deserted, and the Remainder shall be paid to the Seamen's Hospital Society; and the Master shall, in case of Desertion in the United Kingdom, deliver up the Register Ticket of such Seaman or other Person to the Collector or Comptroller of the Customs at the Port: Provided always, that every Desertion be entered in the Log Book at the Time, and certified by the Signatures of the Master and the Mate, or the Master and One other credible Witness; and that the Absence of a Seaman from his Ship for any Time within Twenty-four Hours immediately preceding the sailing of the Ship from any Port, whether before the Commencement or during the Progress of any Voyage, wilfully and knowingly, without Permission, or the wilful Absence of a Seaman from his Ship at or for any Time without Permission, and under Circumstances showing an Intention to abandon the same, and not return thereto, shall be deemed a Desertion of and from the same Ship; and in case any Seaman shall desert in Parts beyond the Seas, and the Master of the Ship shall engage a Substitute at a higher Rate of Wages than that stipulated in the Agreement to be paid to the Seaman so deserting, the Owner or Master of the Ship shall be entitled to recover from the Deserter, by summary Proceeding, in the same Manner as Penalties are by this Act made recoverable (so far as the same can be applied), any Excess of Wages or Portion thereof which such Owner or Master shall pay to such Substitute beyond the Amount which would have been payable to the Deserter in case he had duly performed his Service pursuant to his Agreement: Provided always, that no Seaman shall be imprisoned longer than Three Calendar Months for Nonpayment of any such Excess of Wages.

Forfeiture for
Desertion.

X. And

Penalty for
harbouring
Deserters.

No Debt ex-
ceeding 5s. re-
coverable from
a Seaman till
Voyage is
ended.

Seaman's
Effects not to
be detained
under Pretence
of Debt.

Penalty.

The Period
within which
Wages are to
be paid.

Payment of
Wages or Sal-
vage to be
deemed valid,
notwithstanding
Bill of Sale,
&c.

X. And be it enacted, That if any Person shall wilfully harbour or secrete any Seaman or Apprentice who shall have deserted from his Ship, knowing or having Reason to believe such Seaman or Apprentice to be a Deserter, every Person so offending shall for every such Seaman or Apprentice so harboured or secreted forfeit and pay the Sum of Ten Pounds; and no Debt exceeding in Amount Five Shillings, incurred by any Seaman after he shall have engaged to serve, shall be recoverable until the Service agreed for shall have been concluded; nor shall it be lawful for any Keeper of a Public House, or of a Lodging House for Seamen, to detain any Chest, Tools, or other Property of any Seaman for any Debt alleged to have been contracted by him; and in case of such Detention of the Chest, Tools, or other Property of a Seaman, it shall be lawful for any Justice of the Peace at or near the Place, upon Complaint upon Oath to be made by such Seaman or on his Behalf, to inquire into the Matter upon Oath in a summary Way; and if it shall appear to such Justice that the alleged Claim is fraudulent, or that the Debt was not fairly incurred to the full Amount of the Claim, by Warrant under his Hand and Seal to cause such Effects to be seized and delivered over to such Seaman; and the Person so detaining the same shall forfeit and pay a Sum not exceeding Ten Pounds, at the Discretion of such Justice.

XI. And be it enacted, That the Master or Owner of every Ship shall and is hereby required to pay to every Seaman his Wages within the respective Periods following; (that is to say,) if the Ship shall be employed in coasting, the Wages shall be paid within Two Days after the Termination of the Agreement, or at the Time when any such Seaman shall be discharged, whichever shall first happen; and if the Ship shall be employed otherwise than coasting, then the Wages shall be paid at the latest within Three Days after the Cargo shall have been delivered, or within Seven Days after the Seaman's Discharge, whichever shall first happen; and in all Cases the Seaman shall, at the Time of his Discharge, be entitled to be paid, on account, a Sum equal to One Fourth Part of the Balance due to him; and in case the Master or Owner shall neglect or refuse to make Payment in manner aforesaid, he shall for every such Neglect or Refusal forfeit and pay to the Seaman the Amount of Two Days Pay (to be recovered as Wages) for each Day, not exceeding Ten Days, during which Payment shall, without sufficient Cause, be delayed beyond the respective Periods aforesaid: Provided always, that nothing in this Clause contained shall extend to the Cases of Ships employed in the Southern Whale Fishery, or on Voyages for which Seamen, by the Terms of their Agreement, are wholly compensated by Shares in the Profits of the Adventure.

XII. And be it enacted and declared, That every such Payment of Wages to a Seaman shall be valid and effectual in Law, notwithstanding any Bill of Sale or Assignment which may have been made of such Wages, or of any Attachment or Incumbrance thereon, and that no Assignment or Sale of Wages or Salvage made prior to the accruing thereof, nor any Power of Attorney expressed to be irrevocable for the Receipt of any such Wages or Salvage, shall be valid or binding upon the Party making the same, and any Attachment to be issued from any Court whatever shall not pre-
vent

vent the Payment of Wages to any Seaman; and if during the Voyage the Allowance of Provisions which a Seaman agreed to receive shall be reduced One Third of the Quantity or less he shall receive Four-pence *per* Day, and if the Reduction be more than One Third he shall receive Eight-pence *per* Day, during the Period such respective Deductions may be made, and such pecuniary Allowance shall be paid to him in addition to and be recoverable as Wages.

Allowance for short Provisions.

XIII. And be it enacted, That upon the Discharge of a Seaman from any Ship, or upon Payment of the Wages to him, he shall receive from the Master, and the Master is hereby required to give to him, not only his Register Ticket, but also a Certificate of such Seaman's Service and Discharge, in the Form set forth in Schedule (E.) to this Act annexed, specifying the Period of his Service, and the Time and Place of his Discharge, which Certificate shall be signed by the Master, and if the Master shall not give such Certificate to such Seaman he shall forfeit and pay to him the Sum of Five Pounds.

Masters to give Seamen their Certificates on their Discharge.

Penalty for Default.

XIV. And be it enacted, That if Three Days after the Termination of the stipulated Service, or if Three Days after a Seaman shall have been discharged, he shall be desirous of proceeding on another Voyage, and in order thereto, or for any other sufficient Reason, shall require immediate Payment of any Amount of Wages, not exceeding Twenty Pounds, due to him, it shall be lawful for any Justice of the Peace, in and for any Part of Her Majesty's Dominions or the Territories under the Government of the *East India* Company, where or near to the Port or Place where such Service shall have terminated, or such Seaman shall have been discharged, or the Party or Parties liable shall be or reside, on Application from such Seaman, and on satisfactory Proof that he would be prevented from Employment or incur serious Loss or Inconvenience by Delay, to summon such Party or Parties before him, and if it shall appear to the Satisfaction of such Justice that there is no reasonable Cause for Delay, to order Payment to be made forthwith, and in default of immediate Compliance with such Order such Party or Parties shall forfeit and pay to such Seaman, in addition to his Wages, the Sum of Five Pounds.

For obtaining immediate Payment of Wages in certain Cases.

XV. And be it enacted, That in all Cases of Wages, not exceeding Twenty Pounds, which shall be due and payable to any Seaman, it shall be lawful for any Justice of the Peace in and for any Part of Her Majesty's Dominions or the Territories under the Government of the *East India* Company, where or near to the Place where the Ship shall have ended her Voyage, cleared at the Custom House, or discharged her Cargo, or where or near to the Place where the Party or either of the Parties upon whom the Claim is made shall be or reside, upon Complaint on Oath made to such Justice by such Seaman, or on his Behalf, to summon such Party or Parties to appear before him to answer such Complaint; and upon the Appearance of such Party or Parties, or, in default thereof, on due Proof of him or them having been so summoned, such Justice is hereby empowered to examine the Parties and their respective Witnesses (if there be any) upon Oath, touching the Complaint, and the Amount of Wages due, and to inspect any Agreement or Copy thereof, if produced, and make such

Summary Mode of recovering Wages.

such Order for Payment of the said Wages, not exceeding Twenty Pounds, with the Costs incurred by the Seaman in prosecuting such Claim, as shall to such Justices appear reasonable and just; and in case such Order shall not be obeyed within Two Days next after the making thereof it shall be lawful for such Justice to issue his Warrant to levy the Amount of the Wages awarded to be due, by Distress and Sale of the Goods and Chattels of the Party on whom such Order for Payment shall be made, rendering to such Party the Overplus (if any shall remain of the Produce of the Sale), after deducting thereout all the Costs, Charges, and Expences incurred by the Seaman in the making and prosecuting of the Complaint, as well as the Costs and Charges of the Distress and Levy; or to cause the Amount of the said Wages, Costs, Charges, and Expences to be levied on the Ship in respect of the Service on board which the Wages are claimed or on the Tackle and Apparel thereof; and if such Ship shall not be within the Jurisdiction of such Justice, or such Levy cannot be made, or shall prove insufficient, then he is hereby empowered to cause the Party upon whom the Order shall be made to be apprehended, and committed to the Common Gaol of the District or County, there to remain without Bail until Payment shall be made of the Amount of the Wages so awarded, and of all Costs and Expences attending the Recovery thereof; and the Award and Decision of such Justice as aforesaid shall be final and conclusive.

Masters to have same Remedies for Wages as a Seaman.

XVI. And be it enacted, That all the Rights, Liens, Privileges, and Remedies (save such Remedies as are against a Master himself) which by this Act, or by any Law, Statute, Custom, or Usage, belong to any Seaman or Mariner, not being a Master Mariner, in respect to the Recovery of his Wages, shall, in the Case of the Bankruptcy or Insolvency of the Owner of the Ship, also belong and be extended to Masters of Ships or Master Mariners, in respect to the Recovery of Wages due to them from the Owner of any Ship belonging to any of Her Majesty's Subjects; and that no Suit or Proceeding for the Recovery of Wages shall, unless they exceed Twenty Pounds, be instituted against the Ship, or the Master or Owner thereof, either in any Court of Admiralty or Vice Admiralty Court, or any Court of Record in Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, unless the Owner of the Ship shall be bankrupt or insolvent, or the Ship shall be under Arrest or sold by the Authority of any Admiralty or Vice Admiralty Court, or unless any Magistrate acting under the Authority of this Act shall refer the Case to be adjudged by any such Court or Courts, or unless neither the Owner nor Master shall be or reside at or near the Port or Place where the Service shall have terminated, or where any Seaman shall have been discharged or put on shore.

As to Suits for Recovery of Wages.

When Ship is sold at a Foreign Port, the Crew to be sent home at the Expence of the Master or Owner, and Ticket and Certificate of Dis-

XVII. And be it enacted, That whenever any Ship whatever, belonging to any Subject of Her Majesty, shall be sold, transferred, or disposed of at any Port out of Her Majesty's Dominions, in all such Cases (unless the Crew in the Presence of the *British* Consul or Vice Consul, or in case of there not being any such Consul or Vice Consul, then in the Presence of One or more *British* resident Merchants, not interested in the said Ship, shall signify their Consent in Writing to complete the Voyage if continued), or when-

ever

ever the Service of any Seaman shall terminate at any Place out of Her Majesty's Dominions, the Master shall and he is hereby required to give to each of the Crew and to each of the Seamen whose Service shall terminate as last aforesaid, a Certificate of Discharge in the said Form set forth in Schedule (E.), and also his Register Ticket, and, besides paying the Wages to which they shall respectively be entitled, either to provide them with adequate Employment on board some other *British* Vessel homeward bound, or to furnish the Means of sending them back to the Port in Her Majesty's Dominions at which they were originally shipped, or to such other Port in the United Kingdom as shall be agreed upon between him and them respectively, or to provide them with a Passage home, or to deposit with the Consul or Vice Consul, Merchant or Merchants as aforesaid, such a Sum of Money as shall be by them deemed sufficient to defray the Expences of the Subsistence and Passage of such Seamen; and if the Master shall refuse or neglect so to do, such Expences, when defrayed by such Consul or Vice Consul, or any other Person on behalf of the Seamen, shall be a Charge upon the Owner of such Ship, except in Cases of Barratry, and may be recovered against such Owner as so much Money paid to his Use, together with full Costs, at the Suit of the Consul or other Person defraying such Expences, or as a Debt due to Her Majesty, in case the same shall have been allowed to the Consul out of the public Monies, and if defrayed by the Seaman shall be recoverable as Wages due to him; and in all Cases of Wreck or Loss of the Ship every surviving Seaman shall be entitled to his Wages up to the Period of the Wreck or Loss of the Ship, whether such Ship shall or shall not have previously earned Freight; provided the Seaman shall produce a Certificate from the Master or Chief surviving Officer of the Ship, to the Effect that he had exerted himself to the utmost to save the Ship, Cargo, and Stores.

charge to be given.

Wages to be paid in case of Wreck.

XVIII. And be it enacted, That every Ship navigating between the United Kingdom and any Place out of the same shall have and keep constantly on board a sufficient Supply of Medicines and Medicaments suitable to Accidents and Diseases arising on Sea Voyages, in accordance with the Scale which shall from Time to Time or at any Time be issued by the Lord High Admiral, or by the Commissioners for executing the Office of Lord High Admiral, and published in the *London Gazette*; and every Ship (except those bound to *European* Ports or to Ports in the *Mediterranean Sea*) shall also have on board a sufficient Quantity of Lime or Lemon Juice, Sugar, and Vinegar, the Lime or Lemon Juice, Sugar, and Vinegar to be served out to the Crew whenever they shall have been consuming salt Provisions for Ten Days; the Lime or Lemon Juice and Sugar daily, after the Rate of Half an Ounce each *per* Day, and the Vinegar weekly, at the Rate of Half a Pint *per* Week to each Person, so long as the Consumption of salt Provisions be continued; and in case any Default shall be made in providing and keeping such Medicines, Medicaments, and Lime or Lemon Juice, Sugar, and Vinegar, the Owner of the Ship shall incur a Penalty of Twenty Pounds for each and every Default; and in case of Default of serving out such Lime or Lemon Juice, Sugar, or Vinegar as aforesaid, the Master shall incur a Penalty of Five Pounds

A Supply of Medicines, Lime Juice, Sugar, and Vinegar, &c. to be kept on board, and Seamen hurt in the Service of the Ship to be provided with Advice, &c. gratis.

What Ships to
carry Surgeons.

Pounds for each and every Default; and in case the Master or any Seaman shall receive any Hurt or Injury in the Service of the Ship, the Expence of providing the necessary surgical and medical Advice, with Attendance and Medicines, and for his Subsistence until he shall have been cured, or shall have been brought back to some Port of the United Kingdom, shall, together with the Costs of his Conveyance to the United Kingdom, be defrayed by the said Owner of the Ship without any Deduction whatever on that Account from the Wages of such Master or Seaman; and, if paid by any Officer or other Person on behalf of Her Majesty, the Amount, with full Costs of Suit, shall be recovered as a Debt due to Her Majesty; and every Ship having One hundred Persons or upwards on board, and every Ship the Voyage of which shall be deemed under the Provisions of the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Carriage of Passengers in Merchant Vessels*, to exceed Twelve Weeks, having Fifty Persons or upwards on board, shall have on board, as one of her Complement, some Person duly authorized by Law to practise in this Kingdom as a Physician, Surgeon, or Apothecary; and in case of every Default the Owner shall incur a Penalty not exceeding One hundred Pounds.

Maintenance
of a General
Register and
Record Office
of Seamen.

XIX. And whereas in and by the said Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, it was provided, that as soon as conveniently might be after the passing of that Act there should be established in the Port of London an Office to be called "The General Register Office of Merchant Seamen," which should consist of a Registrar and such Assistants and Clerks, with such Salaries and Allowances as should be fixed and regulated from Time to Time by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being; and that such Office should be kept at the Custom House of the said Port, and daily Attendance be given thereat during the usual Hours of Business there; and that the said Registrar, his Assistants and Clerks, should be under the Control and Direction of the said Lord High Admiral or the Commissioners for executing the Office aforesaid for the Time being: And whereas such Office was established under and in pursuance of the said Act, and it is expedient to maintain and continue the same under the Title of "The General Register and Record Office of Seamen;" be it therefore enacted, That such Office, Salaries, and Allowances, with every thing appertaining to the said Office, shall be maintained and continued in manner and form, and subject to such Regulations, Directions, and Control, as the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being have directed or shall direct; and the said Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being shall have Power to fix and regulate such Fees as he or they may deem proper to be paid by the Applicants for the Inspection and Copies of Documents in the said Office.

Register
Tickets to be
procured

XX. And be it enacted, That every Person, being a Subject of Her Majesty, intending to serve on board any Ship subject to the Provisions of this Act (except as Master or Physician, Surgeon or Apothecary),

Apothecary), shall and he is hereby required to provide himself with a Register Ticket, and for that Purpose to apply personally at the General Register and Record Office of Seamen in *London*, or at the Custom Houses of the several Outports of the United Kingdom; and every Applicant is hereby required to answer truly, to the best of his Ability, all the Questions set forth in Schedule (F.) to this Act annexed, before he shall be entitled to receive his Register Ticket; and no Person shall serve in any Capacity on board any Ship subject to any of the Provisions of this Act (except the Master, Physician, Surgeon, or Apothecary) who is not possessed of such Register Ticket; and the Masters of all Apprentices who shall be bound after the Commencement of this Act, or whose Apprenticeship shall be in force when this Act takes effect, shall, before commencing a Voyage, bring all Indentures and Assignments of Apprenticeships, together with the Apprentices themselves, to the Registrar of Seamen in *London*, or to the Custom House of the nearest Port, in order that each of such Apprentices may be furnished with a Register Ticket, which Ticket shall be annexed and be kept annexed to the original Indenture retained by the Master, and shall be delivered up to the Apprentice by the Master at the Expiration of the Apprenticeship; and the Registrar of Seamen and the Collectors and Comptrollers of Customs respectively are hereby required to grant such Tickets to all Seamen and other Persons requiring the same, and duly complying with the Provisions aforesaid.

Masterstobring
Indentures and
Apprentices to
the Registrar to
obtain Tickets.

XXI. And be it enacted, That if any Person shall alter or destroy a Register Ticket, or counterfeit, transfer, or traffic in, for Gain or otherwise, or attempt to counterfeit, transfer, or traffic in, for Gain or otherwise, any Register Ticket issued or purporting to be issued pursuant to the Provisions of this Act, he shall for every such Offence be guilty of a Misdemeanor; and any Person becoming possessed of a Register Ticket, other than that legally issued to him, shall forthwith transmit the same to the Registrar of Seamen, and in case of Default he shall for every such Offence forfeit and pay a Sum of Twenty Pounds.

Altering, &c.
a Register
Ticket, Mis-
demeanor.

Penalty of 20l. if
Ticket be not
transmitted.

XXII. And be it enacted, That if any Seaman shall lose his Register Ticket he shall forthwith appear in Person, and represent his Case to the Registrar of Seamen in *London*, or the Collector or Comptroller of Customs at any of the Outports; and he shall truly answer all reasonable Questions put to him by the said Registrar or Officer of Customs; and if it appear that no Fraud has been committed, and the Loss was unavoidable, he shall be furnished with another Register Ticket; but if it appear that the Seaman did not take due and reasonable Care of his former Ticket, or if he shall not give a satisfactory Account of the same, he shall be liable to a Penalty of not exceeding Ten Shillings and not less than Two Shillings, and shall not be entitled to any other Ticket until such Penalty shall be paid; and every Person who shall apply for any Ticket, and shall give a false Answer to any reasonable Question which may be put to him by the Registrar of Seamen, or his Assistant, or by the Collector or Comptroller of Customs, with reference to the granting such Ticket, shall be guilty of a Misdemeanor.

When Register
Ticket is lost.

Penalty.

False Answer
a Misdemeanor.

Register
Tickets of
Parties dead.

XXIII. And be it enacted, That all District Registrars of Births, Deaths, and Marriages shall and they are hereby required to demand from the Person registering the Death of any Seaman the Register Ticket of such Seamen, and, if delivered to any such Registrar, he shall forthwith forward the same to the Registrar of Seamen; and no Person, other than the said Registrar of Seamen, shall retain the Ticket of a deceased Seaman; and if any Person shall retain any such Ticket for more than Twenty Days after the Death of any such Seaman, or Ten Days after the Arrival of the Ship in the United Kingdom should the Seaman die abroad, he shall be liable to a Penalty not exceeding Five Pounds in respect of every such Register Ticket so detained.

List of cancelled
Tickets to be
prepared by
Registrar, and
published half-
yearly, and
Copies given
thereof on
Application.

Penalty for
using cancelled
Ticket, &c.

XXIV. And be it enacted, That a List shall be prepared from Time to Time by the Registrar of Seamen, setting forth the Numbers of all the Register Tickets that have been cancelled by reason of the Death of Seamen or otherwise within the preceding Six Calendar Months; and such Lists shall be published half-yearly in the *London Gazette*, and shall also be transmitted by the said Registrar from Time to Time to the Collectors and Comptrollers of Customs, to be by them conspicuously exhibited in the Custom Houses and other Stations of their respective Ports, and Copies of such Lists shall be delivered to any Master or Owner on Application; and every Master or Owner entering into an Agreement with any Seaman producing such cancelled Ticket shall be liable to and incur a Penalty of not exceeding Five Pounds; and every Seaman tendering or delivering to a Master a cancelled Ticket, or any other Ticket not legally issued to him, or falsely representing himself to be a Foreigner, shall forfeit to the Owner all Wages which shall become due to him during the Service, for which he shall agree or shall have agreed.

Papers and
Documents
to be recorded.
Certified Copies
to be Evidence.

XXV. And be it enacted, That Duplicates of all Register Tickets, and all Papers and Documents delivered or transmitted to and retained by the said Registrar, shall be by him recorded, preserved, and kept; and every Copy of such Duplicate Tickets, Papers, and Documents, or any of them, certified by the said Registrar or his Assistant to be a true Copy, shall be admitted in Evidence as fully as the Original thereof; and every Copy of a Document and Endorsement thereon, which may be delivered by any Owner or Master under the Provisions of this Act, shall and may be admitted in Evidence against such Owner and Master, and each of them, as fully as the Original of such Document and Endorsement.

Masters of Ships
trading abroad
to deliver Lists
of their Crews
on their Departure
and Return.

XXVI. And be it enacted, That the Master of every Ship belonging to any Subject of Her Majesty, and bound to Parts beyond the Seas, except in the Cases herein-after mentioned, shall, before he leaves his first Port of Departure from the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the Collector and Comptroller of Customs at such Port, a List, signed by himself, of the Names of his Crew (including Apprentices), with the Numbers of their Register Tickets, and the Capacity in which they are serving on board, in the Form set forth in Schedule (G.) to this Act annexed; and if any subsequent Change in his Crew take place before finally leaving the United Kingdom the Owner or Master shall, upon such Change taking place,

place, apprise the Collector and Comptroller of the Customs at the Port where it occurs, by transmitting an amended List in the same Form; and the Master or Owner of every such Ship shall, within Forty-eight Hours after the Arrival of such Ship at her final Port of Destination in the United Kingdom, transmit or deliver, or cause to be transmitted or delivered, to the Collector or Comptroller of the Customs at such Port, an Account or List, signed by himself, of all the Seamen and others (including Apprentices) who shall have belonged to the Ship at any Time during her Absence from the United Kingdom; which Account or List shall contain a full, true, and correct Return under their respective Heads of the several Particulars expressed in the Form set forth in the Schedule annexed to this Act, and marked (C.), with Christian Names and Surnames of the Master and all the Crew at full Length, and with the Dates of the Registry of the Indentures of the Apprentices, and the Assignments respectively, and the Port at which and the Time when they were respectively registered, and also the Numbers of the Register Tickets of every Apprentice and Seaman; and no Vessel shall be cleared inwards by the Tide Surveyor or other Officer until the Master or Owner shall produce a Certificate from the Collector or Comptroller (which he is hereby required to give) to the Effect that he has rendered such Accounts or Lists as aforesaid; and the Tide Waiters or other Officers left on board shall be maintained at the Expence of the Master or Owner until such Accounts or Lists shall be duly delivered as aforesaid.

Vessels not to be cleared inwards until Lists be rendered.

XXVII. And be it enacted, That within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year the Master or Owner of every Ship belonging to a Subject of Her Majesty, of whatever Tonnage, employed in fishing on the Coasts of the United Kingdom or elsewhere, other than in the *South Sea*, *Greenland*, and *Newfoundland* Fisheries, or in proceeding from one Part of the United Kingdom to another, and every Ship proceeding or making Voyages to any of the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, or to any Port on the Continent of *Europe*, between the River *Elbe* inclusive and *Brest*, shall deliver or transmit, or cause to be delivered or transmitted, to the Collector or Comptroller of the Customs of any Port of the United Kingdom, an Account, signed by such Master or Owner, of any Voyage or Voyages in which such Ship shall have been engaged during the preceding Half Year, ending on the respective Days above mentioned, and setting forth legibly and at full Length the Christian and Surnames of the several Persons (including the Master and Apprentices) who shall have belonged to the Ship at any Time during such Periods respectively; which Account shall be in the Form and shall contain a true and correct Return under their respective Heads of the several Particulars expressed in the Schedule marked (D.) to this Act annexed, with the Dates of the Registry of the Indentures of Apprenticeship and Assignments respectively, and the Ports at which and the Time when they were respectively registered, and the Numbers of the Register Tickets of every Seaman and Apprentice; and no Master or Owner shall be entitled to or receive a Transire or other Customs Document necessary to enable him

Masters of Ships in the Home and Fishing Trade to return Lists half-yearly.

Vessels not to receive Transire until Lists be delivered.

Owners of Vessels unemploy- ed, or not requiring Customs Documents, to notify same. Penalty for Default.

to conduct the Business of his Ship, after the Expiration of the said Twenty-one Days, until he shall produce and show a Certificate from such Collector or Comptroller (which he is hereby required to give), to the Effect that he has delivered such an Account; and in the Case of Ships of all Descriptions which may be unemploy- ed for Six Months, or which may be employed and not require a Transire or other Customs Document, the Master or Owner shall notify the same to such Collector or Comptroller within such Twenty-one Days, and in case of every Default the Master or Owner shall be liable to a Penalty of Ten Pounds; and all Collectors and Comptrollers of Customs of the Ports to which the Vessels belong shall transmit a List of all such Ships, and of all Ships of every Description registered or licensed, or whose Registers or Licences have been transferred or cancelled in their respective Ports within each Half Year ending as aforesaid, to the said Registrar at the said Office, on or before the First Day of *February* and the First Day of *August* in each Year respectively.

Return to be made in case of Ship lost or sold abroad.

XXVIII. And be it enacted, That in case any Ship belonging to any Subject of Her Majesty shall be lost, sold, or transferred, an Account, containing a similar Return as required in the several and respective Cases before mentioned, made out up to the Period of such Loss, Sale, or Transfer, shall, if practicable, be delivered or transmitted by the Master or Owner at the Time of the Loss Sale, or Transfer, to the Collector or Comptroller of the Port to which the Ship belongs, with all convenient Speed, and in case such Loss, Sale, or Transfer shall take place out of the United Kingdom, within Twelve Calendar Months at furthest after the Loss, Sale, or Transfer of the Ship.

Lists, &c. to be transmitted to the Registrar.

XXIX. And be it enacted, That all Indentures, Counterparts, Assignments, Lists, Accounts, Returns, Papers, Register Tickets, and Documents by this Act required to be delivered to the Collectors or Comptrollers as aforesaid shall be by them transmitted to the said Registrar for the Purposes of this Act at the End of every Week, unless otherwise specified in this Act; and every Owner or Master who shall refuse or neglect to transmit, deliver or cause to be delivered, any List, Account, Register Ticket, or other Document, as required by this Act, shall for every such Refusal or Neglect forfeit and pay the Sum of Ten Pounds.

Penalty on the Owner or Master for Neglect.

Lists, &c. in the Case of Pleasure Yachts to be transmitted to the Registrar.

XXX. And be it enacted, That all Agreements, or Copies thereof, Lists, Returns, Register Tickets, and other Documents, which under the Provisions of this Act are required to be transmitted or delivered to the Collectors or Comptrollers of Customs of the several Ports in the United Kingdom, shall, in the Case of Pleasure Yachts, be transmitted or delivered by the Masters or Owners of such Yachts, direct to the Registrar of Seamen, and the Owners or Masters thereof shall be liable to the same Penalties for Default as herein provided in the Cases of the Masters or Owners of other Ships failing to transmit or deliver such Documents to such Collectors and Comptrollers.

As to the Disposal of the Effects of any Seaman dying abroad.

XXXI. And be it enacted, That whenever any Seaman, being abroad, shall die elsewhere than on board a Ship belonging to any Subject of Her Majesty, leaving any Money or Effects not on board

board his Ship, it shall be lawful for Her Majesty's Consul or Vice Consul at or nearest to the Place, and he is hereby required, to claim and take charge of all such Money and Effects, and to dispose of the said Effects, if he shall so think fit, and after deducting all necessary and proper Charges and Expences incurred in the collecting thereof, or by or on account of such Seaman, to remit the Balance, with a full Account of such Money or Effects, to the President and Governors of the Corporation "For the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service," to be by such President and Governors paid over and disposed of, in the same Manner and under the same Regulations as are provided by an Act passed in the Fifth Year of His late Majesty King *William the Fourth* intitled *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*, with respect to the Wages of Seamen dying on board Merchant Ships; and in case any Seaman dying abroad shall leave on board his Ship any Money, Clothes, or other Effects, or be entitled to any Wages, the Master of the said Ship shall and he is hereby required to deposit the same, or the Proceeds arising therefrom, with, and to pay such Wages to, the President and Governors aforesaid, to be by them disposed of in the same Manner as is provided by the said Act with respect to the Wages of Seamen dying on board Ship, and to transmit to the said President and Governors at the same Time a full Account of such Effects and Wages; and on Failure the Master shall forfeit a Sum not exceeding Fifty Pounds, in addition to being accountable for such Money, Clothes, Effects, and Wages; and in all Cases of a Seaman dying abroad the Master shall, on his Ship's Return to the United Kingdom, deliver up to the said President and Governors the Register Ticket of such deceased Seaman, and the said President and Governors, on the Receipt thereof, shall transmit the same to the Registrar of Seamen. 4 & 5 W. 4. c. 52.

XXXII. And be it enacted, That it shall be lawful for the Overseers of the Poor, or other Persons having the Authority of Overseers of the Poor, in and for any District, Union, Parish, Township, or Place in the United Kingdom, and they are hereby empowered, to bind by Indenture, according to the Form set forth in Schedule (H.) to this Act annexed, and put out as an Apprentice in the Sea Service to any of Her Majesty's Subjects, being the Owner of any Ship registered or licensed in any Port of the United Kingdom, any Boy having attained the Age of Twelve Years, and of sufficient Health and Strength, who or whose Parent or Parents is or are chargeable to or maintained by any such District, Union, Parish, Township, or Place, or who shall beg for Alms therein, with his Consent, but not otherwise; and until such Boy shall attain the Age of Twenty-one Years, or shall have served as Apprentice Seven Years, or whichever shall first happen, such Binding shall be effectual to all Intents and Purposes: Provided always, that where any such Parish, Township, or Place separately maintaining

Parish Boys
may be put out
Apprentices to
the Sea Service.

taining its own Poor shall be included in any Union, or shall be under the Management of a Board of Guardians, no such Binding shall be valid unless the Guardians of such Union, Parish, or other Place respectively shall previously have given their Consent thereto, by causing their official Seal to be affixed to the Indenture, and the same to be signed by the presiding Chairman of the Board at any Meeting, and the Clerk or Person acting as such at such Meeting; and provided also, that every such Binding shall be made in the Presence of any such Boy, and of Two Justices of the Peace, who shall execute the Indenture in testimony of their being satisfied that such Boy hath consented so to be bound, and attained the Age, and is of sufficient Health and Strength as required by this Act; and the Age of every such Boy shall be truly inserted in his Indenture, and the Age of every such Boy so inserted therein shall (in relation to the Continuance of his Service) be taken to be his true Age, without any further Proof thereof; and any Certificate of Baptism of such Boy which may be required shall be given and attested by the officiating Minister without Fee or Reward: Provided always, that no Apprenticeship to the Sea Service, whether Parish or otherwise, shall be binding after the Apprentice shall have attained the Age of Twenty-one Years; and that every Indenture, together with his Register Ticket annexed thereto, shall be given up to such Apprentice on his attaining such Age, or at the Expiration of his Apprenticeship, whichever shall first happen, by the Person to whom he shall be bound at the Time, under a Penalty of Twenty Pounds, to be paid by such Person on default; but should any Apprenticeship, Parish or otherwise, expire during a Voyage, and before the Ship's Arrival at her final Port of Destination in the United Kingdom, such Apprenticeship shall, notwithstanding, continue until the Return of the Ship to her final Port of Destination in the United Kingdom; but after One Calendar Month from the Expiration of such Apprenticeship the Apprentice shall be paid the same Wages as an able-bodied Seaman or ordinary Seaman of the said Ship, according to his Qualification.

No Apprenticeship binding after Apprenticeship shall have attained Twenty-one.

Apprenticeships to continue until the Return of the Ship, and Apprentices to be paid Wages.

Parish Apprentices may be turned over to the Sea Service.

XXXIII. And be it enacted, That it shall be lawful for any Master or Person to whom any Parish Apprentice shall have been or shall be hereafter bound to a Service on Shore, according to the Statutes for the Time being relating to such Apprentices, or for the Executors or Administrators, or, there being none such, for the Widow of any deceased Master, with the Concurrence of Two or more Justices of the Peace in and for the County, District, or Place where such Boy shall have been bound Apprentice, to assign such Boy, with his Consent, to be given in the Presence of such Justices, but not otherwise, as Apprentice to any such Owner as aforesaid, to be employed in the Sea Service during the Period then remaining unexpired of his Apprenticeship; and every such Assignment shall be attested as next herein-after mentioned.

Indentures may be assigned on the Death of the Master.

XXXIV. And be it enacted, That in the event of the Bankruptcy, Insolvency, or Death of the Master of any such Parish Apprentice to the Sea Service, it shall be lawful for such Master, or the Executors or Administrators of such Master, or, there being none

none such, for the Widow of such deceased Master, to assign the Indenture of any such Apprentice for the Residue of the Term then unexpired therein to any other Owner of any such Ship: Provided always, that such Assignment, if executed within the Limits of the Port of *London*, shall be attested by the said Registrar, his Assistant, or one of his Clerks, and if executed at any other Port, by the Collector or Comptroller of the Customs of such Port.

XXXV. And be it enacted, That such Overseers, Guardians, Parish Officers or other Persons as aforesaid shall cause the Indenture of Apprenticeship to be prepared and transmitted in Triplicate; (that is to say,) Two Counterparts, besides the Indenture, to the said Registrar, if the Owner of the Ship to whom such Apprentice is to be bound shall be or reside within the Limits of the Port of *London*, and if at any other Port, to the Collector or Comptroller of the Customs at such Port; and shall cause each such poor Boy to be conducted and conveyed to such Port or Place by a Constable or other trustworthy Person, at the Expence of the District, Union, Parish, Township, or Place; and when any such Boy shall be so bound he shall be provided by the Guardians of the said Union or Parish as aforesaid, or, in case the said Parish or Place shall not be included in any Union or governed by a Board of Guardians, by the Overseers, with a sufficient Outfit of Sea Clothing, Bedding, and similar Necessaries, to the Value of Five Pounds, which said Amount, together with the Expences to be incurred in the Binding and Conveyance of the said Boy, shall be charged by such Guardians or Overseers respectively to the Account of the Parish or other Place by whose Overseers the said Boy shall be bound, and be allowed to them in their Account; and the said Indentures so entered into by the Overseers of any Parish or other Place as aforesaid may be sued upon in the Name of the Overseers of the Poor of the said Parish or other Place for the Time being, by their Name of Office; and no Action commenced for the Breach of any Covenant therein contained, with the Consent of the Vestry of such Parish or Place, shall abate by reason of Death or any Change of Overseers of such Parish or Place, pending the same, but shall be proceeded in by the Overseers for the Time being, who shall be entitled to charge the whole Amount of the Costs incurred in such Action, and not recovered from the Defendant therein, upon the Poor Rates collected by them, though Part of such Costs shall have been incurred by their Predecessors.

Parish Officers to prepare Indentures.

Constable to convey the Apprentice.

Guardians or Overseers to provide Clothing, &c.

XXXVI. And be it enacted, That such Indentures shall be executed in the Presence of and attested by the Constable or other Person who shall conduct or convey such Apprentice; and such Indentures shall bear Date respectively on the Days on which they are executed; and such Constable or other Person shall transmit one of the said Counterparts, duly executed, to the Overseers, Guardians, or other Persons aforesaid, one to the Master, and another to the said Registrar.

How Indentures to be attested.

XXXVII. And be it enacted, That the Master or Owner of every Ship belonging to any Subject of Her Majesty, and of the Burden of Eighty Tons and upwards (except Pleasure Yachts), shall

Every Ship, except Pleasure Yachts, to have Apprentices

according to
her Tonnage:

shall have on board at the Time of her proceeding from any Port of the United Kingdom, and at all Times when absent from the United Kingdom, or navigating the Seas, One Apprentice, or more, in the following Proportion to the Number of Tons of his Ship's Admeasurement, according to the Certificate of Registry; (that is to say,) for every Ship of Eighty Tons and under Two hundred Tons, One Apprentice at the least; for every Ship of Two hundred Tons and under Four hundred Tons, Two Apprentices at the least; for every Ship of Four hundred Tons and under Five hundred Tons, Three Apprentices at the least; for every Ship of Five hundred Tons and under Seven hundred Tons, Four Apprentices at the least; and every Ship of Seven hundred Tons and upwards, Five Apprentices at the least; all of whom, at the Period of their being bound respectively, shall be Subjects of Her Majesty, and above Twelve and under Seventeen Years of Age, and be duly bound for the Term of Four Years at the least; and if any such Master or Owner shall neglect to have on board his Ship the Number of Apprentices as hereby required, together with their respective registered Indentures, Assignments, and Register Tickets, he shall for every such Offence forfeit and pay the Sum of Ten Pounds in respect of each Apprentice, Indenture, Assignment, or Register Ticket so wanting or deficient.

To be Subjects
of Her Majesty:

Their Age and
Term of Ap-
prenticeship.

Penalty for De-
ficiency of Ap-
prentices, &c.

The cancelling
of Indentures,
and Death or
Desertion of
Apprentices,
to be notified.

Penalty.

Consents neces-
sary in cancel-
ling Indentures.

Indentures and
Assignments of
Parish Appren-
tices to be regis-
tered.

XXXVIII. And be it enacted, That in case any Indentures of Apprenticeship of any Description shall be cancelled, or any Apprentice, Parish or otherwise, shall die on shore or desert, or by reason of the Vessel of the Master not having made a Voyage for Six Months shall not be reported in either of the said Lists, such Cancellation, Death, Desertion, or Non-employment shall forthwith be notified in Writing by the Master of the Apprentice to the said Registrar, if the Ship on board which the Apprentice was bound to serve shall belong to the Port of *London*, or otherwise to the Collector or Comptroller of the Port to which the said Ship shall belong; and for every Default the said Master shall be liable to a Penalty of Ten Pounds; and the Collector or Comptroller, if the Notification be made to him, shall transmit the same to the said Registrar within One Week from the Receipt thereof; and no cancelling of any Indenture of Apprenticeship of any Description shall be valid or effectual without the mutual Consent of the Parties, or without the Consent or in the Absence of the Registrar of Seamen in *London*, or of the Collector or Comptroller of Customs of the Port in which such Cancellation shall take place, or, in case of Bindings by the Overseers, without the additional Consent of the Guardians of the Union or Parish whose Consent was given to the said Binding, to be testified by a Copy of a Minute of the Board forwarded by the Clerk to the said Guardians.

XXXIX. And be it enacted, That the said Registrar in *Lon- don*, and the Collector and Comptroller of the Customs at each other Port, shall, in a Book to be kept for that Purpose, cause to be entered from Time to Time all such Indentures and Assignments of Parish Apprentices as aforesaid, specifying therein the Dates thereof, the Names and Ages of the Apprentices, the Parishes or Places from whence they are sent, the Names and Residences of

of their Masters to whom they are bound or assigned, and the Names, Ports, and Burden of the respective Ships to which such Masters belong, and shall make and subscribe on each Indenture and Assignment an Endorsement, purporting that the same hath been duly registered pursuant to this Act; and such Registrar, Collectors, and Comptrollers respectively shall require the personal Attendance of every such Apprentice at the Time of registering his Indenture or Assignment thereof; and every such Collector and Comptroller shall also, at the End of each Week, transmit a List of the Indentures and Assignments and Cancellations so registered by him within the Week, containing all the Particulars aforesaid, to the said Registrar.

Apprentices to appear personally when Indentures or Assignments registered.

XL. And be it enacted, That in every Case of a Person (other than such Parish Apprentice as aforesaid) binding himself Apprentice to the Sea Service the Indentures to be executed on such Occasion shall be in Duplicate, in the Form set forth in Schedule (I.) to this Act annexed, and a Counterpart shall be delivered to the said Registrar, if the Master shall be or reside within the Port of London, or if at any other Port, to the Collector or Comptroller of such Port; and the Indentures shall be registered in a Book to be kept for that Purpose by the said Registrar, Collectors, and Comptrollers respectively, in which Book shall be expressed the Dates of the several Indentures, the Names and Ages of the Apprentices, the Names and Residence of their Masters, and (if known) the Names, Port, and Burden of the several Ships on board which they are respectively to serve; and such Registrar, Collectors, and Comptrollers respectively shall require the personal Appearance of every such Apprentice at the Time of registering his Indenture or the Assignment thereof, and shall endorse and subscribe upon each Indenture a Certificate purporting that the same hath been duly registered pursuant to this Act; and the said Collectors and Comptrollers shall also at the End of each Week transmit a List of the Indentures and Assignments registered by them within the Week, containing all the Particulars aforesaid, together with the said Counterparts, to the said Registrar, for the Purposes of this Act; and that it shall be lawful for the Master of such Apprentice, or in case of his Death his Executor or Administrator, with the Consent of the Apprentice, if of the Age of Seventeen Years or upwards, and if under that Age with the Consent of his Parent or Guardian, to assign or transfer the Indenture of any such Apprentice to any other Master or Owner of any registered Ship; and all such Apprentices may during the Term for which they shall be bound be employed in any Ship of which the Master for the Time being of any such Apprentice may be the Master or Owner: Provided always, that every such Assignment shall be registered and endorsed by the said Registrar, or by the Collector or Comptroller of the Customs at the Port where the Master shall be, or to which his Ship shall belong; and the said Collector or Comptroller shall notify the same to the said Registrar, and transmit an exact Copy of the said Endorsement to the said Registrar.

Indentures and Assignments of other Apprentices to be registered.

As to Assignment of Indentures of Apprentices.

Assignments to be registered.

XLI. And be it enacted, That no Apprentice bound or assigned pursuant to this Act, nor any Master or Owner in respect of such Apprentice, shall be liable to any Payment or Contribution to or towards

Apprentices exempted from Contributions.

Documents
exempted from
Duty.

towards any Hospital or Institution; and that all Agreements, attested Copies, Indentures, Assignments, Counterparts, and Tickets, made, signed, or executed in compliance with or under the Provisions of this Act, shall be wholly exempt from Stamp Duty.

Penalty on Mas-
ters neglecting
to register, &c.
Indentures;

and for suffering
Apprentices to
quit their Ser-
vice.

XLII. And be it enacted, That if any Master or Owner to whom any Apprentice to the Sea Service shall be bound or assigned shall neglect to deliver a Counterpart, and cause the Indenture or the Assignment (as the Case may be) to be registered as required by this Act, so far as depends on such Master or Owner, within Ten Days after the Binding or Assignment, every such Master or Owner shall for every such Neglect forfeit and pay the Sum of Ten Pounds; and if any such Master or the Master of any Ship shall, after the Ship shall have proceeded on the Voyage upon which such Ship may be bound, permit any Apprentice to quit his Service or the Service of the Ship, except for the Purpose of entering into Her Majesty's Naval Service, every such Master shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Justices to
determine
Complaints.

XLIII. And be it enacted, That any Justice of the Peace residing at or near to any Port to which any Ship as aforesaid, having on board thereof any Apprentice, shall at any Time arrive, shall have full Power and Authority to inquire into and examine, hear and determine, all Claims of Apprentices upon their Masters under their Indentures, and all Complaints of hard or ill Usage exercised by their respective Masters towards any such Apprentices, or of Misbehaviour on the Part of any such Apprentices, and to proceed thereupon as One or more Justice or Justices of the Peace is or are empowered by Law to do in other Cases between Masters and Apprentices; and if the Master of any Ship shall not send on shore, in the Charge of the Mate or other trustworthy Person, any Apprentice desirous of complaining to a Justice of the Peace so soon as the Service of the Ship will permit, he shall for every such Default forfeit and pay the Sum of Ten Pounds.

Common As-
saults may be
summarily
punished by
Two Justices.

XLIV. 'And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for consolidating and amending the Statutes in *England* relative to Offences against the Person, a summary Jurisdiction is provided for the Punishment of Persons guilty of common Assaults and Batteries: And whereas it is expedient that the Provisions of the last-mentioned Act should extend to similar Offences committed on board Ships belonging to Subjects of Her Majesty: Be it therefore enacted, That in the Case of any Assault or Battery committed on board any Ship belonging to any Subject of Her Majesty, in any Part of the World, it shall be lawful for any Two Justices of the Peace in any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, residing at or near any Port or Place at which the said Ship may arrive or touch, upon Complaint of the Party aggrieved, to hear and determine any such Complaint, and to proceed and make such Adjudication thereon as by the said Act any Two Justices are empowered to do in the Cases of Assaults and Bat-
teries

teries in *England*; and the Fine or Forfeiture to be imposed in any such Case shall be payable to the Seamen's Hospital Society: Provided always, that such Complaint shall be made and prosecuted within Three Months after such alleged Assault or Battery, or within Three Months after the Arrival of the Ship at her final Port of Destination in the United Kingdom, or within Three Months after the respective Parties shall be within the Jurisdiction of such Justices as aforesaid.

XLV. And be it enacted, That no Apprentice to the Sea Service shall be at liberty to enter into the Naval Service of Her Majesty during the Period of his Apprenticeship without the Consent of his Master; but if, nevertheless, he shall voluntarily enter into such Naval Service of Her Majesty, and shall be allowed by his Master to continue therein, such Master, in case he shall give Notice to the Secretary of the Admiralty of his Consent to his Apprentice remaining in Her Majesty's said Service during the Residue of the Term of his Apprenticeship, shall, upon the Production of the Indenture and Assignment (if any), if duly registered, and having the Register Ticket attached, be entitled to receive to his own Use any Balance of Wages and Prize Money that may become due and payable to any such Apprentice until the Expiration of his Apprenticeship.

Masters entitled to receive the Wages, &c. of Apprentices entering into the Navy.

XLVI. ' And whereas great Mischiefs have arisen from Masters of Merchant Ships leaving Seamen in Foreign Parts, who have been thus reduced to Distress, and thereby tempted to become Pirates or otherwise misconduct themselves, and it is expedient to amend and enlarge the Law in this Behalf; be it therefore enacted, That if any Master of a Ship belonging to any Subject of Her Majesty shall discharge any Person belonging to his Ship or Crew at any of Her Majesty's Colonies or Plantations, without the previous Sanction in Writing (to be endorsed on the Agreement) of the Governor or other Officer holding the chief Authority there, or of the Secretary or other Officer duly appointed by the Government there in that Behalf, or in the Absence of such Functionaries then of the Chief Officer of Customs resident at or near such Port or Place, or shall discharge any such Person at any other Place abroad without the like previous Sanction, to be so endorsed on the Agreement by Her Majesty's Minister, Consul, or Vice Consul there, or in the Absence of any such Functionary then of Two respectable Merchants resident there, such Master shall be guilty of a Misdemeanor; or if any Master of any such Ship shall abandon or leave behind at any such Colony or Plantation any Person belonging to his Ship or Crew, on the Plea or Pretence of Unfitness or Inability to proceed upon the Voyage, or of Desertion or Disappearance from the Ship, without a previous Certificate in Writing (to be endorsed on the Agreement) of the Governor, Secretary, or other Officer as aforesaid, or in the Absence of such Functionary then of the Chief Officer of Customs resident at or near such Port or Place, certifying such Unfitness, Inability, Desertion, or Disappearance, or shall abandon or leave behind any Person belonging to his Ship or Crew at any other Place abroad, on shore or at sea, upon such Plea or Pretence, without the like previous Certificate of Her Majesty's Minister, Consul, or Vice Consul there, or in the Absence of any such Functionary

No Seaman to be discharged abroad, nor to be abandoned, or left behind, without Sanction of Consul, &c.

Functionary then of Two respectable Merchants, if there be any such at or within a reasonable Distance from the Place where the Ship shall then be, such Master shall be guilty of a Misdemeanor; or if any Master of any such Ship, in case any Person belonging to his Ship or Crew shall desert from the said Ship at any Place abroad, shall neglect to notify the same in Writing to one of such Functionaries as aforesaid, if there be any such resident at or near the Place, and in their Absence, if it be out of Her Majesty's Dominions, then to Two respectable Merchants, if there be such at or near the Place, within Twenty-four Hours of such Desertion, such Master shall be guilty of a Misdemeanor; and the said Functionaries are hereby authorized and required, and the said Merchants are authorized, to examine into the Grounds of such proposed Discharge, or into the Plea or Pretence of such Unfitness, Inability, Desertion, or Disappearance as aforesaid, in a summary Way, upon Oath (which Oath they are hereby respectively authorized to administer), and to grant or refuse such Sanction or Certificate according to the Circumstances, and as it shall appear to them to be just.

Forcing Seamen
on shore, &c.
a Misdemeanor.

Where Misdemeanors may
be prosecuted.

XLVII. And be it enacted, That if the Master of any Ship belonging to any of Her Majesty's Subjects, or the Mate or other Officer of such Ship, shall wrongfully force on shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on shore or at sea, in or out of Her Majesty's Dominions, any Person belonging to his Ship or Crew, before the Completion of the Voyage for which such Person was engaged, or the Return of the Ship to the United Kingdom, such Master, Mate, or other Officer shall be guilty of a Misdemeanor; and every Misdemeanor mentioned or created by this Act shall and may be prosecuted by Information at the Suit of Her Majesty's Attorney General, or by Indictment or other legal Proceeding in any Court having Criminal Jurisdiction in Her Majesty's Dominions at home or abroad; and the Offence may be laid and charged in the said Information, Indictment, or other legal Proceeding to have been committed in the County or Place where the Offender shall happen to be, who, being convicted thereof, shall be liable to Fine or Imprisonment, or both, as to the Court before whom he is tried shall seem meet; and every Court is hereby authorized to issue a Commission or Commissions for the Examination of any Witness or Witnesses who may be absent or out of the Jurisdiction of the Court; and at the Trial the Depositions taken under such Commission or Commissions, if such Witness or Witnesses shall be then absent, shall be received in Evidence.

If any of the
Crew are left
behind, the
Proof of Sanc-
tion or Autho-
rity to be upon
the Master.

XLVIII. And be it enacted, That if any Master shall, contrary to the Provisions of this Act, discharge, abandon, or leave behind any Seaman or other Person belonging to the Ship or Crew, with or without his Consent, it shall be incumbent on such Master, in any Information, Indictment, or other Proceeding against him, to produce or prove such Sanction or respective Certificate as aforesaid, or prove the Impracticability of obtaining such Certificate.

Seamen, when
allowed to be
left behind, to

XLIX. And be it enacted, That every such Master who shall leave any Seaman or other Person as aforesaid on shore at any such

such Colony or Plantation or Place abroad, under a Certificate of his not being in a Condition to proceed on the Voyage, shall deliver to One of the said Functionaries, or if there be none such to any Two respectable Merchants there, or if there be but One then to such One Merchant, a just and true Account of the Wages due to such Person, and pay the same either in Money or by a Bill drawn upon the Owner; and if by Bill, then such Functionaries or Merchants are respectively authorized and required, by Endorsement on such Bill, to certify that the same is drawn for Money due on account of Seamen's Wages, or to that Effect; and any Master who shall refuse or neglect to deliver a just and true Account of such Wages, or to pay the Amount thereof in Money or by Bill as aforesaid, shall for every such Offence or Default forfeit and pay the Sum of Ten Pounds, and every Master who shall deliver a false Account of such Wages shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

be paid their Wages.

L. Provided always, and be it enacted, That nothing in this Act or in any Agreement contained shall prevent any Seaman or Person belonging to any Ship or Vessel whatever from entering or being received into the Naval Service of Her Majesty, nor shall any such Entry be deemed a Desertion from the Ship or Vessel, nor shall such Seaman or other Person thereby incur any Penalty or Forfeiture whatever, either of Wages, Clothes, or Effects, or other Matter or Thing; and no Master or Owner shall insert or introduce, or permit to be inserted or introduced, into any Articles or Agreement, any Clause, Engagement, or Stipulation whereby any Seaman or other Person shall or may incur any Forfeiture or be exposed to Loss in case he shall enter into Her Majesty's Naval Service; and if inserted, the Clause, Engagement, or Stipulation shall be void, and the Offender shall thereby incur a Penalty of Twenty Pounds.

Act not to extend to prevent Seamen from entering into the Navy.

LI. And be it enacted, That when any Seaman shall quit any such Ship or Vessel as aforesaid, in order to enter into Her Majesty's Naval Service, and shall thereupon be actually received into such Service, not having previously committed any Act amounting to and treated by the Master as Desertion, he shall be entitled immediately upon such Entry to have his Register Ticket and all his Clothes and Effects on board such Ship or Vessel delivered to him, and to receive from the Master the proportionate Amount of his Wages up to the Period of such Entry, to be paid either in Money or by a Bill on the Owner; all which Register Ticket, Clothes, Effects, Money, or Bill such Master is hereby required to deliver and pay to him accordingly, under a Penalty of Twenty Pounds for any Refusal or Neglect, to be recovered with full Costs of Suit by such Seaman; but in case the Master shall have no Means of ascertaining the Balance, he shall make out and deliver to such Seaman a Certificate of the Period of his Service, and the Rate of Wages he is entitled to, producing at the same Time to the commanding or other Officer of Her Majesty's Vessel the Agreement with the Seaman; and every such Master, upon the Delivery of such Register Ticket, Clothes, and Effects, and the Settlement of such Wages in manner herein mentioned, shall receive

Upon Entry of Seamen into the Navy from any Ships they shall be entitled to the immediate Delivery up of their Clothes, Register Tickets, and Payment of any Wages that may be due.

receive from the Officer in command of the Vessel into which the Seaman shall have entered a Certificate of such Entry, endorsed on the Agreement, and signed by the said Officer, which such Officer is hereby required to give.

Power for Her Majesty to sue for the Amount advanced for the Relief of Seamen left abroad.

LII. And be it enacted, That if any Person shall be discharged, or wilfully and wrongfully left behind or abandoned, at any Place beyond Seas, in or out of Her Majesty's Dominions, by any Master, Mate, or other Officer, contrary to the Provisions of this Act, and shall become distressed, and be relieved under the Provisions of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy, or any Act hereafter to be passed for that Purpose, or if any Person shall, as Principal or Agent, engage any Subject of Her Majesty to serve in any Vessel belonging to any Foreign Power, or to the Subject of any Foreign State, and such last-mentioned Person shall become distressed and be relieved as aforesaid, then, in addition to the Wages due from such Master or Owner or Person making such Engagement, and the Penalties to which such Master may be liable, Her Majesty shall be entitled to sue such Master or the Owner of the Ship, or any Person who shall have made such Engagement as aforesaid, at the Discretion of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, for all the Charges and Expences which shall have been incurred in or for the Subsistence, necessary Clothing, and Conveyance home or Burial (should he die abroad or before reaching home) of any such Seaman or Person relieved as aforesaid, as Money paid to the Use of such Master or Owner or other Person, who shall have made such Engagement as aforesaid, and recover the same, together with full Costs of the Suit, in the same Manner as other Debts due to Her Majesty are recoverable; and in any Proceeding for that Purpose Proof of the Account furnished to the said Commissioners by any such Functionaries, or by such Two Merchants, or One Merchant, according to the Case, as provided by the said Act of the Eleventh Year of King *George* the Fourth, shall, together with the Proof of Payment by the said Commissioners, or by the Paymaster General, of the Charges incurred on account of any such Person, be sufficient Evidence that such Person was relieved and conveyed home or buried at Her Majesty's Expence; and the Court in which any Proceeding for the Recovery of the said Money shall be instituted is hereby authorized to issue a Commission or Commissions for the Examination of Witnesses, and the Depositions taken under such Commission or Commissions shall be used as Evidence.

Ship's Agreement, Indentures, and Assignments of Apprenticeship and Register Tickets, on Arrival at a Foreign Port,

LIII. And be it enacted, That if any Ship belonging to a Subject of Her Majesty (except Packets for Passengers in the course of their Voyage) shall arrive at any Foreign Port where there shall be a *British* Consul or Vice Consul, or at any Port in a *British* Colony, and remain thereat for Forty-eight Hours, the Master shall, within Forty-eight Hours of the Ship's Arrival, deliver on cause to be delivered to such Consul or Vice Consul at such Foreign Port, or to the Collector or Comptroller of the Customs at

at such Port of a *British* Colony, the Agreement or Agreements before mentioned, together with an Account at the Foot of such Agreement of all Apprentices on board, setting forth their Christian and Surnames at full Length, the Dates of the Registry of their Indentures and Assignments respectively, and the Ports at which and the Time when they were registered, and also all Indentures and Assignments of Apprenticeships, and the Register Tickets of all the Crew who shall be Subjects of Her Majesty, the whole to be kept by such Consul or Vice Consul, Collector or Comptroller, as the Case may be, during the Ship's Stay in such Port, and (excepting the Register Tickets of Deserters, which are to be transmitted by such Functionaries to the Registrar of Seamen,) to be returned to the Master a reasonable Time before his Departure, with a Certificate endorsed on such Agreements respectively, stating when the same were respectively delivered and returned, without any Fee or Charge being made for the same; and in case it shall appear that the required Number of Apprentices are not on board, or that the required Forms or existing Laws have been in any respect neglected or transgressed, such Consul or Vice Consul, Collector or Comptroller, shall make an Endorsement to that Effect on such Agreement, and forthwith transmit a Copy of such Endorsement, with the fullest Information he can collect regarding such Neglect or Transgression, to the said Registrar; and if any Master shall neglect to deliver any Agreement, Indenture, Assignment or Register Ticket, or such Account as aforesaid, he shall for every such Neglect or Default forfeit and pay the Sum of Twenty Pounds; or if any Master shall deliver any false or incorrect Account, he shall for every such Offence forfeit and pay the Sum of Thirty Pounds.

to be deposited with the Consul, and at a Colony with the Officers of Customs.

Consuls to make Endorsements on Agreements.

Penalty on Masters for Neglect, &c.

LIV. And be it enacted, That no Seaman shall be shipped at any such Foreign Port by any such Master, except with the Sanction of such Consul or Vice Consul, to be endorsed or certified on the Agreement, under a Penalty of Twenty Pounds, to be forfeited by the Master for every Seaman so shipped.

No Seaman to be shipped at a Foreign Port without Sanction of Consul.

LV. And be it enacted, That the Master of every Ship belonging to any Subject of Her Majesty shall and he is hereby required to produce and show the Log Book, Muster Roll of the Ship, and the Agreement or Agreements with his Crew, their Register Tickets, and the Indentures of his Apprentices, and the Assignments thereof, and a List of all the Passengers and Persons on board, to the Captain, Commander, or other Commissioned Officer of any of Her Majesty's Ships or Vessels requiring the Production and Sight thereof; and that it shall be lawful for any such Officer in Her Majesty's Naval Service to muster the Crew (including Apprentices) of any Ship belonging to any such Subject, in order to be satisfied that the Provisions of this Act, and every other Act by which the Crews of such Ships as aforesaid are regulated, and the Laws relating to Navigation, have been duly kept and complied with; and if any Master shall, upon being required so to do by any such Officer, neglect or refuse to produce such Log Book, Muster Roll, or Agreement, Register Tickets, Indentures, and Assignments, and Lists of Passengers and Persons, or any of them,

Masters to produce Agreement, &c. to the Officers of Queen's Ships.

Penalty.

them, or shall obstruct any Officer in the Execution of his Duty in mustering the said Crew, or shall produce any false Log Book, Muster Roll or List, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Consuls, Registrar, and Officers of Customs empowered to require Production of the Agreement, Muster Roll, &c.

Penalty on Master refusing to produce.

Survey of Provisions, &c.

If Provisions are found insufficient, &c.

As to Offences committed at Foreign Ports.

LVI. And be it enacted, That for the better carrying into effect the Purposes of this Act it shall be lawful for Her Majesty's Consuls and Vice Consuls in Foreign Ports, and for the said Registrar and his Assistant, and also for the respective Chief Officers of the Customs at the several Ports of the United Kingdom and of the *British Possessions* abroad, to demand from the Master of every Ship belonging to a Subject of Her Majesty the Production of the Log Book, Muster Roll of the Ship, and such Agreements, Register Tickets, Indentures, and Assignments as aforesaid, and a List of Passengers and Persons on board, and to muster the Crew (including Apprentices) of such Ship, and to summon the Master to appear before them, and give any Explanation they may respectively require regarding the said Crew, Ship, or Documents, for the Purpose of ascertaining whether the Provisions of this Act, and every other Act by which the Crews of such Ships as aforesaid are regulated, and the Laws relating to Navigation, have been kept and complied with, and to take Copies of all or any of such Documents; and if any such Master, on such Demand being made, shall refuse to produce such Log Book, Muster Roll, Agreements, Register Tickets, Indentures, and Assignments, and List of Passengers and Persons, or refuse to allow Copies to be taken, or shall refuse to permit his Crew to be so mustered, or shall refuse to appear and give such Explanation as aforesaid, or shall wilfully deceive or mislead the Person before whom he shall so appear, he shall for every such Neglect, Refusal, or Offence forfeit and pay the Sum of Twenty Pounds.

LVII. And be it enacted, That it shall and may be lawful for any Consul or Vice Consul of Her Majesty, and for any Collector or Comptroller of the Customs, upon Complaint made by any Three or more of the Crew, to survey and examine, or cause to be surveyed and examined, the Provisions, Water, and Medicines put or supplied on board any Ship for the Use and Consumption of the Crew; and if on such Survey and Examination it shall be found that such Provisions, Water, or Medicines are of a bad Quality, or unfit for Use, or not appropriate, or there shall not appear to be a sufficient Quantity thereof, the Surveying Officer shall signify the same in Writing to the Master of the Ship; and if such Master shall not thereupon provide other fit and proper Provisions, Water, or Medicines in lieu of any which may be signified by the said Surveying Officer to be of a bad Quality, or unfit for Use, or not appropriate, or if any such Master shall not thereupon procure the requisite Quantity of Provisions, Water, and Medicines, or shall use any Provisions, Water, or Medicines which shall have been signified by the Surveying Officer to be of a bad Quality, or unfit for Use, or not appropriate, he shall in each and every of such Cases be guilty of a Misdemeanor.

LVIII. And be it enacted, That all Offences against the Property or Person of any Subject of Her Majesty, or of any Foreigner,

Foreigner, which shall be committed in or at any Port or Place, either ashore or afloat, out of the Dominions of Her Majesty, by the Master and Crew (including Apprentices), or any or either of them, belonging to any Ship subject to any of the Provisions of this Act, or who within Three Months before the Committal of the Offence shall have been the Master thereof, or shall have formed Part of any such Crew, shall be and they are hereby declared to be Offences of the same Nature respectively, and to be liable to the same Punishments respectively, as if they had been committed on the High Seas and other Places within the Jurisdiction of the Admiralty of *England*, and shall be inquired of, heard, tried, and determined and adjudged in the same Manner as if such Offences had been committed within such Jurisdiction; and when any Trial for such Offences, or for any Misdemeanor against the Provisions of this Act, shall take place before any Justices or Judges of Oyer and Terminer and Gaol Delivery, it shall be lawful for the Court to order and direct the Payment of the Costs and Expences of the Prosecution, as in the Case of Costs and Expences of Prosecutions for Offences committed within the Jurisdiction of the Admiralty of *England*.

LIX. And be it enacted, That whenever any Complaint shall be made to any of Her Majesty's Consuls or Vice Consuls of any such Offence or of any Offence having been committed at Sea by the Master and Crew (including Apprentices), or any or either of them, belonging to any Ship subject to any of the Provisions of this Act, it shall be lawful for any such Consul or Vice Consul to inquire into the Case, upon Oath, and at his Discretion to cause any Offender to be placed under all necessary Restraint, so far as it may be in his Power, so that he may be sent and conveyed in safe Custody to *England* as soon as practicable, in any Vessel of Her Majesty, or of any of Her Subjects, to be there proceeded against according to Law; and the Costs and Charges of imprisoning any such Offender, and of conveying him and the Witnesses to *England*, if not conveyed in the Ship to which they respectively belong, shall be considered and deemed as Part of the Costs of the Prosecution, or be paid as Costs incurred on account of seafaring Subjects of the United Kingdom left in Distress in Foreign Parts; and all Depositions taken before any Consul or Vice Consul abroad, and certified under his official Seal to be the Depositions, and that they were taken in the Presence of the Party accused, shall be admitted in Evidence in all Courts having Criminal Jurisdiction, and otherwise, in like Manner as Depositions taken before any Justice of the Peace in *England* now are or may be; and the Register Ticket of every Offender shall be delivered up to Her Majesty's Consul or Vice Consul, as the Case may be, and be transmitted by him to the Registrar of Seamen.

LX. And be it enacted, That it shall be lawful for any Consul or Vice Consul to order a Passage to *England* for any such Offender or Offenders under necessary Restraint, and also for the Witnesses; and the Master or other Person having the Charge of any Ship or Vessel belonging to any Subject of Her Majesty bound for *England* shall and he is hereby required to receive and afford a Passage and Subsistence during the Voyage to any such

For the safe
Custody and
Conveyance of
Offenders to
England.

As to the Cor-
veyance of
Offenders and
Witnesses to
England.

Offender or Offenders and Witnesses, not exceeding the Rate of One Offender or Two Witnesses for every One hundred Tons of his Ship's Burden; and on his Ship's Arrival in *England* the Master of any Vessel belonging to a Subject of Her Majesty shall take or cause to be taken the Offender or Offenders before a Justice of the Peace, who shall deal with the Matter as in Cases of Offences committed upon the High Seas; and in case the Master or other Person having the Charge of any Ship or Vessel belonging to any Subject of Her Majesty, when required by the Consul or Vice Consul to receive and afford a Passage to any Offender or Witness, shall not receive and afford such Passage, or shall not take or cause to be taken the Offender or Offenders before a Justice of the Peace as aforesaid, every such Master shall be liable to a Penalty of Fifty Pounds; and the Seaman, if acquitted, shall receive his Register Ticket again upon due Application to the Registrar of Seamen.

As to Ships
belonging to
British Colo-
nies.

LXI. And be it enacted, That this Act shall not extend or apply to any Ship registered in or belonging to any *British* Colony having a Legislative Assembly, or to the Crew of any such Ship, while such Ship shall be within the Precincts of such Colony; but every Ship belonging to any Colony or Possession of Her Majesty, when proceeding from one Part of the United Kingdom to another, or from the United Kingdom to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, or *Man*, or from any Port in the United Kingdom to any Port or Possession of any Foreign Power or Country, or to any Colony to which the Ship shall not belong, shall be held to come within the Provisions of this Act; and this Act is hereby extended to the same; and the Owner, Master, and Crew, including Apprentices, of such Ship so trading as aforesaid, shall be and are hereby declared liable to the Provisions of this Act as fully as the Owner, Master, and Crew of any *British* registered Ship; and this Act and the Provisions thereof (except so far as the same relate to Agreements, Register Tickets, and having Apprentices,) shall also extend and apply to Ships belonging to all of Her Majesty's Colonies and Possessions abroad, wherever otherwise proceeding or trading, and to the Owners, Masters, and Crews of such Ships, when any such Ship shall be beyond the Precincts of the Colony or Possession to which she shall belong; and all Certificates and Sanctions required by this Act to be endorsed on Agreements shall, in the Case of Ships last referred to, be otherwise given in Writing where no written Agreement exists.

Recovery of
Penalties.

LXII. And be it enacted, That all Penalties and Forfeitures imposed by this Act, and for the Recovery whereof no specific Mode is herein-before provided, shall and may be recovered, with Costs, either in any of Her Majesty's Courts of Record at *Westminster*, *Edinburgh*, or *Dublin*, or in the Colonies or Territories under the Government of the *East India* Company, at the Suit of Her Majesty's Law Officers respectively, or at the Suit of any Person, by Information and summary Proceeding before any Justice or Justices of the Peace in and for any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, where or near to the Place where the Offence shall be committed or the Offender shall be; and if Proceedings for the Recovery

Recovery of any Forfeiture or Penalty imposed by this Act, or for the Recovery of any Debt due to Her Majesty, be commenced in any of Her Majesty's Courts, the Court in which such Proceedings shall be instituted is hereby authorized to issue a Commission or Commissions in or out of Her Majesty's Dominions for the Examination of Witnesses, and the Depositions taken thereunder shall be used and admitted in Evidence; and in case of a summary Conviction under this Act, and the Sum imposed as a Penalty by the Justice or Justices shall not be paid, either immediately after the Conviction or within such Period as the Justice or Justices shall at the Time of the Conviction appoint, it shall be lawful for the convicting Justice or Justices to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of the Justice or Justices, for any Term not exceeding Six Calendar Months, the Commitment to be determinable upon Payment of the Amount and Costs; and all Penalties and Forfeitures mentioned in this Act, for which no specific Application is hereinbefore provided, shall, when recovered, be paid and applied in manner following; (that is to say,) so much thereof as the Court or the convicting Justice or Justices shall determine, but not exceeding One Moiety, shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered, and the Residue shall be paid to the Seamen's Hospital Society: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom, any Proceedings shall be instituted for the Recovery of any pecuniary Penalty imposed by this Act, to mitigate or reduce such Penalty as to such Court or Justices respectively shall appear just and reasonable; but no such Penalty shall be reduced to less than One Third of its original Amount; and it shall be lawful, in the Discretion of the said Court, or of the said Justice or Justices hearing the Complaint, to order such Costs against the informing or complaining Party failing to prove the Charge as the said Court or Justice or Justices may deem fit, and such Costs shall be recoverable in the same Manner as Penalties under this Act, and be paid as such Court or Justice or Justices shall direct: Provided also, that all Proceedings so to be instituted shall be commenced within Two Years next after the Commission of the Offence, if the same shall have been committed at or beyond the *Cape of Good Hope* or *Cape Horn*, or within One Year if committed elsewhere, or within Two Calendar Months after the Return of the Offender and the complaining Party to the United Kingdom.

LXIII. And to avoid Doubts in the Construction of this Act, be it enacted, That every Person having the Charge or Command of any Ship belonging to any Subject of Her Majesty shall, within the Meaning and for the Purposes of this Act, be deemed and taken to be the Master of such Ship; and that every Person (Apprentices excepted) who shall be employed or engaged to serve in any Capacity on board the same shall be deemed and taken to be a Seaman, within the Meaning and for the Purposes of this Act; and that the Term "Ship" shall be taken and understood to comprehend every Description of Vessel navigating on any Sea or Channel,

Application of Forfeitures.

Definition of the Terms "Master," "Seaman," "Ship," and "Owner."

Channel, or Waters outside the Mouths of Rivers, and also every Vessel passing beyond the Precincts of a Port; and that the Term "Owner" shall be taken and understood to comprehend all the several Persons, if more than One, to whom the Ship shall belong.

As to Relief to Persons from Asia and Africa becoming distressed in the United Kingdom.

LXIV. And be it enacted, That if any Person, being a Malay, Lascar, or Native of the Territories under the Government of the *East India* Company, or if any *Asiatic* or *African* Seaman, having been brought to the United Kingdom on board any Ship, shall be found or be in the United Kingdom in distress for Want of Food, Clothing, or other Necessaries, it shall and may be lawful for the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, at their Discretion, to supply necessary and reasonable Relief to every such Person and Seaman, and to maintain him until he shall be sent on board some Ship for the Purpose of being conveyed to or near to the Port from which he was shipped, and also to pay, defray, and advance the Money necessary to procure every such Person and Seaman a proper and sufficient Passage to such Port; and all such Sum or Sums of Money as shall be paid and advanced by or by Order of the said Commissioners for or on account of such Relief, Maintenance, and Passage shall be and become a Debt due to Her Majesty, and be recoverable as such, with full Costs of Suit, in the Courts of Law either in Her Majesty's Dominions or in the Territories under the Government of the *East India* Company, from the Owner and Master, or either of them, of the Ship on board whereof such Person or Seaman shall have been brought from *Asia* or *Africa*; but nothing herein contained shall repeal or annul any other Act or Acts now in force for the Relief and Conveyance home of any *Asiatic* or *African* Person or Seaman.

Act may be amended, &c.

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

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

AN AGREEMENT made pursuant to the Directions of an Act of Parliament passed in the Year of the Reign of _____ and of the Burden _____ between _____ the Master of the Ship _____ of the Port of _____ Tons, and the several Persons whose Names are subscribed hereto.

It is agreed by and on the Part of the said Persons, and they severally hereby engage to serve on board the said Ship in the several Capacities against their respective Names expressed on a Voyage from the Port of _____ to _____ [here the intended Voyage is to be described as nearly as can be done, and the Places at which it is intended the Ship shall touch, or, if that cannot be done, the Nature of the Voyage in which she is to be employed]; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all Times diligent to their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore [here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act]; in consideration of which Services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew by way of Compensation or Wages the Amount against their Names respectively expressed: And it is hereby agreed, that any Embezzlement, or wilful or negligent Loss or Destruction, of any Part of the Ship's Cargo or Stores, shall be made good to the Owner out of the Wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a Duty to which he shall prove to be not competent he shall be subject to a Reduction of the Rate of Wages hereby agreed for, in proportion to his Incompetency. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

No. and Date of Ship's Register.	Place and Time of Entry.			Men's Names, Christian and Surnames set forth at full Length.	Town or County where born.	Agre.	Amount of Wages per Calendar Month, Share, or Voyage.	Quality.	Amount of Wages advanced at Time of Entry.	Amount of Monthly Allotment.	Quantity of Provisions per Day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Number of Register Ticket.	
	Day.	Month.	Year.												

I hereby declare to the Truth of all the Particulars set forth in this Agreement [or this attested Copy of Agreement], delivered to the Collector or Comptroller of the Port of _____ this _____ Day of _____ 18 _____

Master.
Mate.

Note.—This Agreement, or an attested Copy thereof, is required to be delivered to the Collector and Comptroller of Customs within Twenty-four Hours after the Arrival of the Ship at her final Port of Destination in the United Kingdom.

SCHEDULE (B.)

AN AGREEMENT made pursuant to the Directions of an Act of Parliament passed in the Year of the Reign of the Master of the Ship of the Port of Tons, and the several Persons whose Names are subscribed hereto.

It is agreed by and on the Part of the said Persons, and they severally hereby engage to serve on board the said Ship in the said several Capacities against their respective Names expressed, which Ship is to be employed in [here the Nature of the Ship's Employment is to be described, whether in the Fisheries, on the Coast, or in proceeding from one Part of the United Kingdom to another, or to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any Part of the Continent of Europe between the River Elbe inclusive and Brest]; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all Times diligent to their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore [here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act]; in consideration of which Services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise to pay to the said Crew by way of Compensation or Wages the Amount against their Names respectively expressed: Provided always, and it is hereby declared, that no Seaman shall be entitled to his Discharge from the Ship during any Voyage in which she may be engaged, nor at any other Port than a Port in the United Kingdom: And it is hereby agreed, that any Embezzlement, or wilful or negligent Loss or Destruction, of any Part of the Ship's Cargo or Stores, shall be made good to the Owner out of the Wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a Duty to which he shall prove to be not competent he shall be subject to a Reduction of the Rate of Wages hereby agreed for, in proportion to his Incompetency. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

No. and Date of Ship's Register.	Place and Time of Entry.			Men's Names. Christian and Surnames set forth at full Length.	Age.	Town or County where born.	Amount of Wages per Calendar Month, Share, or Voyage.	Quantity of Provisions per Day.	Witness to Signature.	Name of Ship in which the Seaman last served.	Number of Register Ticket.
	Day.	Month.	Year.								

I hereby declare to the Truth of all the Particulars set forth in this Agreement [or attested Copy of Agreement] delivered to the Collector or Comptroller of the Port of this Day of 18 . Master. Mate.

(This Agreement, or an attested Copy thereof, is required to be delivered to the Collector or Comptroller of Customs of any Port of the United Kingdom, on the 31st of December in each Year.)

SCHEDULE (C.)

Ship of the Port of _____ Tons, whereof _____ was Master.

A List of the Crew (including the Master and Apprentices) at the Period of quitting the Port of _____ in the United Kingdom, from which she took her first Departure on her Voyage to _____ on the _____ Day of _____ and of the Men who joined the Ship subsequent to such Departure, and until her Return to the Port of _____ being her first final Port of Destination in the United Kingdom on the _____ 184 .

No. and Date of Ship's Register.	Name. Christian and Surname at full Length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices and Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.

Note.—If any one of the Crew has entered Her Majesty's Service, the Name of the Queen's Ship in which he entered must be stated in the Account, under the Head of "How disposed of."

Note.—This List to be filled up and signed by the Master of every Vessel, of whatever Tonnage, and to be delivered by him to the Collector or Comptroller of the Customs within Twenty-four Hours after the Ship's Arrival at her final Port of Destination in the United Kingdom.

SCHEDULE (D.)

AN ACCOUNT of the Voyages in which the Ship engaged, in the Half Year commencing on the 18th, and of all the Persons (Master and Apprentices included) who have belonged to such Ship during that Period.

Tons has been
Day of

of the Burden of
18, and ending on the

ACCOUNT OF THE VOYAGES.

[Here the several Voyages, and the Periods of such Voyages, are to be described.]

ACCOUNT OF THE CREW.

No. and Date of Ship's Register.	Name. Christian and Surname at full Length.	Age.	Town or County where born.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.	Date of Apprentices Indentures and Assignments.	When and where registered.	Numbers of Register Tickets.

Note.—If any one of the Crew shall have entered Her Majesty's Service, the Name of the Queen's Ship in which he entered must be stated in this Account, under the Head of "How disposed of."

Note.—This Account, when filled up, is to be signed by the Owner or Master of every Ship, of whatever Tonnage, and deposited with the Collector or Comptroller of the Customs of any Port of the United Kingdom within Twenty-one Days after the Thirtieth of June and the Thirty-first of December in every Year.

SCHEDULE (E.)

This is to certify, That _____ whose Register Ticket is
 numbered _____ served as _____ on board the
 of the Port of _____ of the Burden of _____ Tons, from
 the _____ Day of _____ to the _____ Day of _____
 and that he was discharged from the said Ship on
 at _____

Dated this _____ Day of _____ 184 .

Master.

SCHEDULE (F.)

1. What is your Christian and Surname?
2. Have you or have you not been registered before?
3. Where were you born, and when?
4. When did you first go to Sea?
5. In what Capacity did you go, and in what Capacity have you since served?
6. Have you or have you not served in the Royal Navy?
7. If you have, how long? and in what Ships? and in what Capacity?
8. Have you or have you not been in Foreign Service?
9. If you have, how long? and in what Capacity? and under what Flag?
10. How have you been generally employed at Sea?
11. Where is your usual Place of Residence when unemployed?

SCHEDULE (G.)

NAMES, and distinguishing Numbers of the Register Tickets, of
 the Crew (including Apprentices) now serving on board the
 of the Port of _____ of the Burden of _____
 Tons, on taking Departure from the Port of _____ in
 the United Kingdom, bound on a Voyage to _____ .

No. and Date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this _____ Day of _____ 184 . Master.

Particulars to be clearly and legibly set forth.

SCHE-

SCHEDULE (H.)

Form of Parish Apprentice's Indenture.

THIS Indenture, made the _____ Day of _____ in the
 Year of our Lord One thousand eight hundred and _____
 witnesseth, That _____ Overseers of the Poor of
 the [Parish] of ^(a) _____ in the _____ Division of
 in the County of _____ in the Presence of _____ and
 Two of Her Majesty's Justices of the Peace in and for the said
 County _____ acting in and for the said Division in which the
 said [Parish or Union] is situate, do by this Indenture, duly
 executed by the said Justices in testimony of their having been
 satisfied that the Boy hereby and hereafter bound and named hath
 attained the Age herein-after mentioned, and is of sufficient Health
 and Strength as required by the Statute in such Case made and
 provided, bind, put out, and place, with his own free Will and
 Consent, and not otherwise, _____ a poor Boy of the said
 [Parish or Union], aged _____ Years, as appears by the Copy
 of the Entry of his Baptism in the Register Book of the Parish
 of _____ in the County of _____ hereunto annexed ^(b) who is
 now [and whose Parents _____ and _____] are now
 chargeable to and maintained by the said [Parish] of _____
 Apprentices in the Sea Service to _____ one of Her Majesty's
 Subjects of the [Parish] of _____ in the County of _____
 being the Master ^(c) _____ of the Ship called _____
 registered in the Port of _____ being a Port of the United
 Kingdom of Great Britain and Ireland, with him the said
 his Executors and Administrators, and the Assign or Assigns of
 the Widow or of the Executors and Administrators of the said
 _____ to dwell, remain, and serve from the Day of the Date
 of these Presents for so long Time and until the said Apprentice
 shall attain the Age of Twenty-one Years; during all which Term
 the said Apprentice, his said Master, his Executors and Adminis-
 trators, or the Assign or Assigns of the Widow or of the Execu-
 tors or Administrators of the said _____ shall well and faithfully
 serve; his and their Secrets keep; his and their lawful Commands
 everywhere gladly do and execute; Hurt or Damage to his said
 Master, his Executors or Administrators, or the said Assign or
 Assigns, he shall not do, consent or see to be done by others, but
 to the utmost of his Power shall hinder the same, and forthwith

(^a) Or it may be made by other Persons having the Authority of Overseers or Guardians, or in whom the Duty of Overseers or Guardians of the Poor shall be vested.

(^b) The Copy must be given and attested by the Officiating Minister, without Fee or Reward. If it cannot be found, erase the Words from "by the" to "annexed," and insert "from such Information of such Boy's Age as the said Justices have been able to obtain, as the Entry of his Baptism cannot be found." The Apprentice must be above Twelve and under Seventeen Years of Age, and bound for Four Years at the least.

(^c) Or Owner.

his

his said Master, his Executors or Administrators, or the said Assign or Assigns, thereof warn ; Taverns or Alehouses he shall not frequent ; at Dice, Cards, Tables, Bowls, or any other unlawful Games he shall not play ; the Goods of his said Master, his Executors or Administrators, or the said Assign or Assigns, he shall not embezzle or waste, or lend or give to any Person or Persons without his or their Licence ; nor from the Service of his said Master, his Executors or Administrators, or the said Assign or Assigns, without his or their Consent, at any Time absent himself ; but as a true and faithful Apprentice in all lawful Businesses, according to his Power, Wit, and Ability, and honestly, orderly, and obediently in all Things, shall demean and behave himself toward his said Master, his Executors or Administrators, or the said Assign or Assigns, during the said Term ; and true and just Accounts of his or their Goods, Chattels, and Money committed to his Charge, or which shall come to his Hands, faithfully he shall give at all Times, when thereunto required by him or them ; and shall also render an Account of, and well and truly pay or cause to be paid to him or them, all such Wages, Prize Money, and other Sum or Sums of Money as shall become due and payable unto him the said Apprentice from Her Majesty, Her Heirs, Successors, or any other Person, in case he shall enter or go into Her Majesty's Service during the said Term. In consideration whereof, and of the Sum of _____ of lawful Money of the United Kingdom of Great Britain and Ireland to him in hand well and truly paid at the Execution of these Presents (the Receipt whereof the said _____ doth hereby acknowledge), he the said

for himself, his Executors or Administrators, doth hereby covenant, promise, and agree to and with the said Overseers of the Poor, and their Successors, that he the said _____ his Executors or Administrators, and the Assign or Assigns of his Widow or of his Executors or Administrators, the said Apprentice in the Art, Trade, or Business of a Mariner or Seaman, with the Circumstances thereunto belonging, shall and will, until he shall attain the Age of Twenty-one Years, teach, learn, and instruct, or cause to be taught, learned, and instructed, in the best Way and Manner that he or they can ; and shall and will find, provide, and allow unto the said Apprentice competent and sufficient Meat and Drink, Apparel, Lodging, Washing, Medicine, Medical and Surgical Aid and Advice, and all other Things necessary and fit for an Apprentice.

And also shall and will so provide for the said Apprentice that he be not any way a Charge to the said [Parish or Union] of _____ or Parishioners thereof ; but of and from all Charge shall and will save the [Parish or Union] of _____ and Parishioners thereof harmless and indemnified during the said Term. In witness whereof the said Justices, and other Parties abovesaid to the present Indenture, interchangeably have set their Hands and Seals the Day and Year first above written.

Signed, sealed, and delivered }
in the Presence of - }

We,

We, the Guardians of the Poor of the [* Union,
 within which the said Parish is included] do hereby testify our
 Consent to the binding of the said to the said
 and have hereunto caused our official Seal to be affixed, at a Meet-
 ing of the Board this Day of
 (Signed)



Presiding Chairman.

Clerk to the said Guardians.

SCHEDULE I.

Form of Apprentice's Indenture.

THIS Indenture, made the Day of in the
 Year of the Reign of Her Majesty Queen Victoria, by
 the Grace of God of the United Kingdom of Great Britain and
 Ireland Queen, Defender of the Faith, and in the Year of our
 Lord One thousand eight hundred and between
 aged Years, a Native of
 in the County of of the one Part, and
 of in the County of of the other Part, wit-
 nesseth, That the said hath of his free Will
 put and bound himself Apprentice unto the said with
 him, his Executors, Administrators, and Assigns, after the Man-
 ner of an Apprentice to dwell, remain, and serve from the Day
 of the Date hereof for and during and unto the full End and Term
 of Years from thence next ensuing fully to be com-
 plete and ended; during all which Term the said Apprentice his
 said Master shall well and faithfully serve; his Secrets keep; his
 lawful Commands everywhere do and execute; Hurt or Damage
 to his said Master he shall not do, consent or see to be done by
 others, but to the utmost of his Power shall hinder the same, and
 forthwith his said Master thereof warn; Taverns or Alehouses he
 shall not frequent (unless about his said Master's Business); at
 Dice, Cards, Tables, Bowls, or any other unlawful Games he shall
 not play; the Goods of his said Master he shall not embezzle or
 waste, or lend or give to any Person or Persons without his said
 Master's Licence; nor from the Service of his said Master, with-
 out his Consent, at any Time absent himself; but as a true and
 faithful Apprentice shall demean and behave himself towards his
 said Master, his Executors, Administrators, or Assigns, during the
 said Term; and true and just Accounts of his said Master's Goods,
 Chattels, and Money committed to his Charge, or which shall come
 to his Hands, faithfully he shall give at all Times, when thereunto
 required by his said Master, his Executors, Administrators, or

* If the Parish be not in Union, omit the Words within Brackets.
 Assigns;

Assigns; and shall also render an Account of, and well and truly pay or cause to be paid unto his said Master, his Executors, Administrators, or Assigns, all such Wages, Prize Money, and other Sum or Sums of Money as shall become due and payable unto him from Her Majesty, Her Heirs, Successors, or any other Person, in case he shall be impressed, enter, or go into Her Majesty's Service during the said Term. In consideration whereof the said doth hereby covenant and agree to and with the said

the Apprentice, that he the said his Executors, Administrators, or Assigns, during the said Term of Years, shall and will teach, learn, and inform the said Apprentice, or cause him to be taught, learned, and informed, in the Art, Trade, or Business of a Mariner or Seaman, with the Circumstances thereunto belonging; and shall and will find and provide for the said Apprentice sufficient Meat, Drink, Washing, Lodging, Medicine, and Medical and Surgical Aid and Advice to pay unto the said Apprentice the Sum of

Pounds of lawful Money of Great Britain, in manner following; (that is to say,) the said finding and providing to and for himself all Manner of Sea Bedding, Wearing Apparel, and other Necessaries (except Meat, Drink, Lodging, Washing, Medicine, and Medical and Surgical Aid and Advice): And it is hereby agreed between the said Parties, that the said shall and may from Time to Time during the said Term deduct and retain in his Hands, out of the several yearly Payments above mentioned, all such Sum or Sums of Money as he shall at any Time during the said Term disburse or lay out in the buying of any Apparel or Sea Bedding for the said Apprentice, as Need shall require: And for the true Performance of all and singular the Covenants and Agreements aforesaid, each of them the said and doth hereby bind and oblige himself, his Heirs, Executors, and Administrators, unto the other of them, his Executors and Administrators, firmly by these Presents, in the penal Sum of Pounds of lawful Money of Great Britain.

In witness whereof the said Parties to these Presents have hereunto set their Hands and Seals the Day and Year above written.

Signed, sealed, and delivered }
in the Presence of us - }

C A P. CXIII.

An Act to regulate Joint Stock Banks in *England*.

[5th September 1844.]

‘ WHEREAS the Laws in force for the Regulation of Co-partnerships of Bankers in *England* need to be amended:’
Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall not be lawful for any Company of more than Six Persons to carry on the Trade or Business of Bankers in *England* after the passing of this Act, under any Agreement

No Joint Stock Bank established after 6th May last to carry on

Business unless by Letters Patent under this Act; but Companies previously established not to be restrained from carrying on Business.

Company to petition for Charter.

Charter to be granted on Report of Board of Trade.

Deed of Settlement.

Agreement or Covenant of Copartnership made or entered into on or after the Sixth Day of *May* last passed, unless by virtue of Letters Patent to be granted by Her Majesty according to the Provisions of this Act; but nothing herein contained shall be construed to restrain any such Company established before the said Sixth Day of *May*, for the Purpose of carrying on the said Trade or Business of Bankers in *England*, from continuing to carry on the same Trade and Business as legally as they might have done before the passing of this Act, until Letters Patent shall have been granted to them severally on their Application, as herein-after provided, to be made subject to the Provisions of this Act.

II. And be it enacted, That before beginning to exercise the said Trade or Business every such Company shall present a Petition to Her Majesty in Council, praying that Her Majesty will be graciously pleased to grant to them Letters Patent under this Act; and every such Petition shall be signed by Seven at least of the said Company, and shall set forth the following Particulars; (that is to say,)

First, The Names and Additions of all the Partners of the Company, and the Name of the Street, Square, or other Place where each of the said Partners reside :

Second, The proposed Name of the Bank :

Third, The Name of the Street, Square, or other local Description of the Place or Places where the Business of the Bank is to be carried on :

Fourth, The proposed Amount of the Capital Stock, not being in any Case less than One hundred thousand Pounds, and the Means by which it is to be raised :

Fifth, The Amount of Capital Stock then paid up, and where and how invested :

Sixth, The proposed Number of Shares in the Business :

Seventh, The Amount of each Share, not being less than One hundred Pounds each.

III. And be it enacted, That every such Petition shall be referred by Her Majesty to the Committee of Privy Council for Trade and Plantations, and so soon as the Lords of the said Committee shall have reported to Her Majesty that the Provisions of this Act have been complied with on the Part of the said Company, it shall thereupon be lawful for Her Majesty, if Her Majesty shall so think fit, with the Advice of Her Privy Council, to grant the said Letters Patent.

IV. And be it enacted, That the Deed of Partnership of every such Banking Company shall be prepared according to a Form to be approved by the Lords of the said Committee, and shall, in addition to any other Provisions which may be contained therein, contain specific Provisions for the following Purposes; (that is to say,)

First, For holding Ordinary General Meetings of the Company once at least in every Year, at an appointed Time and Place :

Second, For holding Extraordinary General Meetings of the Company, upon the Requisition of Nine Shareholders or more, having in the whole at least Twenty-one Shares in the Partnership Business :

Third,

Third, For the Management of the Affairs of the Company, and the Election and Qualification of the Directors :

Fourth, For the Retirement of at least One Fourth of the Directors yearly, and for preventing the Re-election of the retiring Directors for at least Twelve Calendar Months :

Fifth, For preventing the Company from purchasing any Shares or making Advances of Money, or Securities for Money, to any Person on the Security of a Share or Shares in the Partnership Business :

Sixth, For the Publication of the Assets and Liabilities of the Company once at least in every Calendar Month :

Seventh, For the yearly Audit of the Accounts of the Company by Two or more Auditors chosen at a General Meeting of the Shareholders, and not being Directors at the Time :

Eighth, For the yearly Communication of the Auditors Report, and of a Balance Sheet, and Profit and Loss Account, to every Shareholder :

Ninth, For the Appointment of a Manager or other Officer to perform the Duties of Manager :

And such Deed, executed by the Holders of at least One Half of the Shares in the said Business, on which not less than Ten Pounds on each such Share of One hundred Pounds, and in proportion for every Share of larger Amount, shall have been then paid up, shall be annexed to the Petition ; and the Provisions of such Deed, with such others as to Her Majesty shall seem fit, shall be set forth in the Letters Patent.

V. Provided always, and be it enacted, That it shall not be lawful for any such Company to commence Business until all the Shares shall have been subscribed for, and until the Deed of Partnership shall have been executed, personally or by some Person duly authorized by Warrant of Attorney to execute the same on behalf of such Holder or Holders, by the Holders of all the Shares in the said Business, and until a Sum of not less than One Half of the Amount of each Share shall have been paid up in respect of each such Share ; and it shall not be lawful for the Company to repay any Part of the Sum so paid up without Leave of the Lords of the said Committee.

VI. And be it enacted, That it shall be lawful for Her Majesty in and by such Letters Patent to grant that the Persons by whom the said Deed of Partnership shall have been executed, and all other Persons who shall thereafter become Shareholders in the said Banking Business, their Executors, Administrators, Successors, and Assigns respectively, shall be One Body Politic and Corporate, by such Name as shall be given to them in and by the said Letters Patent, for the Purpose of carrying on the said Banking Business, and by that Name shall have perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands of such annual Value as shall be expressed in such Letters Patent ; and such Letters Patent shall be granted for a Term of Years, not exceeding Twenty Years, and may be made subject to such other Provisions and Stipulations as to Her Majesty may seem fit.

VII. Provided always, and be it enacted, That notwithstanding such Incorporation the several Shareholders for the Time being

No Company to commence Business till Deed executed and all the Shares subscribed for, and at least Half the Amount paid up.

Company to be incorporated.

Incorporation not to limit the Liability of Shareholders.

in the said Banking Business, and those who shall have been Shareholders therein, and their several Executors, Administrators, Successors, and Assigns, shall be and continue liable for all the Dealings, Covenants, and Undertakings of the said Company, subject to the Provisions herein-after contained, as fully as if the said Company were not incorporated.

Actions by or
against Share-
holders.

VIII. And be it enacted, That no Action or Suit by or against the Company shall be in anywise affected by reason of the Plaintiff or Defendant therein being a Shareholder or former Shareholder of the Company; but any such Shareholder, either alone or jointly with another Person as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other Person, shall have the same Action and Remedy in respect of any Cause of Action or Suit whatever which such Shareholder or Company might have had if such Cause of Action or Suit had arisen with a Stranger.

Decree or Judg-
ment to be en-
forced against
Company and
Shareholders.

IX. And be it enacted, That every Judgment, Decree, or Order of any Court of Justice in any Proceeding against the Company may be lawfully executed against, and shall have the like Effect on, the Property and Effects of the Company, and also, subject to the Provisions herein-after contained, upon the Person, Property, and Effects of every Shareholder and former Shareholder thereof, as if every individual Shareholder and former Shareholder had been by Name a Party to such Proceeding.

Execution
against Com-
pany to precede
Execution
against present
or former Share-
holders.

X. And be it enacted, That it shall be lawful for the Plaintiff to cause Execution upon any Judgment, Decree, or Order obtained by him in any such Action or Suit against the Company to be issued against the Property and Effects of the Company; and if such Execution shall be ineffectual to obtain Satisfaction of the Sums sought to be recovered thereby, then it shall be lawful for him to have Execution in satisfaction of such Judgment, Decree, or Order against the Person, Property, and Effects of any Shareholder, or, in default of obtaining Satisfaction of such Judgment, Decree, or Order from any Shareholder, against the Person, Property, and Effects of any Person who was a Shareholder of the Company at the Time when the Cause of Action against the Company arose: Provided always, that no Person having ceased to be a Shareholder of the Company shall be liable for the Payment of any Debt for which any such Judgment, Decree, or Order shall have been so obtained, for which he would not have been liable as a Partner in case a Suit had been originally brought against him for the same, or for which Judgment shall have been obtained, after the Expiration of Three Years from the Time when he shall have ceased to be a Shareholder of such Company; nor shall this Act be deemed to enable any Party to a Suit to recover from any individual Shareholder of the Company, or any other Person whomsoever, any other or greater Sum than might have been recovered if this Act had not been passed.

Extent of
Liability of
former Share-
holders.

Reimbursement
of individual
Shareholders.

XI. And be it enacted, That every Person against whom or against whose Property or Effects any such Execution shall have issued shall be reimbursed out of the Property and Effects of the Company for all Monies paid, and for all Damages, Costs, and Expences incurred by him by reason of such Execution, or of the Action or Suit in which the same shall have issued, or, in default

of such Reimbursement, by Contribution from the other Shareholders of the Company.

XII. And be it enacted, That if any such Execution be issued against any present or former Shareholder of the Company, and if, within Fourteen Days next after the levying of such Execution, he be not reimbursed, on Demand, out of the Property and Effects of the Company, all such Monies, Damages, Costs, and Expences as he shall have paid or incurred in consequence of such Execution, it shall be lawful for such Shareholder, or his Executors or Administrators, to have Execution against the Property and Effects of the Company in satisfaction of such Monies, Damages, Costs, and Expences; and the Amount of such Monies, Damages, Costs, and Expences shall be ascertained and certified by One of the Masters or other Officer of the Court out of which such Execution shall issue.

Individuals paying under Execution to recover against the Company.

XIII. And be it enacted, That in the Cases provided by this Act for Execution on any Judgment, Decree, or Order in any Action or Suit against the Company, to be issued against the Person or against the Property and Effects of any Shareholder or former Shareholder of such Company, or against the Property and Effects of the Company at the Suit of any Shareholder or former Shareholder, in satisfaction of any Monies, Damages, Costs, and Expences paid or incurred by him as aforesaid in any Action or Suit against the Company, such Execution may be issued by Leave of the Court, or of a Judge of the Court in which such Judgment, Decree, or Order shall have been obtained, upon Motion or Summons for a Rule to show Cause, or other Motion or Summons consistent with the Practice of the Court, without any Suggestion or Scire facias in that Behalf; and that it shall be lawful for such Court or Judge to make absolute or discharge such Rule, or allow or dismiss such Motion, (as the Case may be,) and to direct the Costs of the Application to be paid by either Party, or to make such Order therein as to such Court or Judge shall seem fit; and in such Cases such Form of Writs of Execution shall be sued out of the Courts of Law and Equity respectively, for giving effect to the Provision in that Behalf aforesaid, as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in like Manner as Writs of Execution are now enforced; provided that any Order made by a Judge as aforesaid may be discharged or varied by the Court, on Application made thereto by either Party dissatisfied with such Order; provided also, that no such Motion shall be made nor Summons granted for the Purpose of charging any Shareholder or former Shareholder until Ten Days Notice thereof shall have been given to the Person sought to be charged thereby.

How such Execution is to be had.

XIV. And be it enacted, That if such Shareholder be not by the Means aforesaid fully paid all such Monies, with Interest, Damages, Costs, and Expences, as he shall have paid or incurred by reason of any such Execution, it shall be lawful for him, his Executors or Administrators, to divide the Amount thereof, or so much thereof as he shall not have been reimbursed, into as many equal Parts as there shall then be Shares in the Capital Stock of the Company (not including Shares then under Forfeiture); and

Contribution to be recovered from other Shareholders.

every Shareholder for the Time being of the Company, and the Executors or Administrators of every deceased Shareholder, shall, in proportion to the Number of Shares which they may hold in the Company, pay One or more of such Parts, upon Demand, to the Shareholder against whom such Execution shall have been issued, or to his Executors or Administrators; and upon Neglect or Refusal so to pay, it shall be lawful for such Shareholder, his Executors or Administrators, to sue for and recover the same against the Shareholder, or the Executors or Administrators of any Shareholder, who shall so neglect or refuse as aforesaid, in any of Her Majesty's Courts of Record at *Westminster*, or in any other Court having Jurisdiction in respect of such Demand.

Further Remedy in case of Bankruptcy, &c. of Company's Shareholders.

XV. And be it enacted, That if the Shareholder or former Shareholder against whom any such Execution shall have issued, his Executors or Administrators, shall, by reason of the Bankruptcy or Insolvency of any Shareholder, or from any other Cause, be without any Neglect or wilful Default on his own Part, be prevented from recovering any Proportion of the Monies, Costs, or Expences which he shall have so paid, it shall be lawful for him, his Executors or Administrators, again to divide the Amount of all such Monies, Costs, and Expences as shall not have been recovered by him or them into as many equal Parts as there shall then be Shares in the Capital Stock of the Company (not including the Shares then under Forfeiture), except the Shares in respect of which such Default shall have happened; and every Shareholder for the Time being of the Company, and the Executors or Administrators of every deceased Shareholder, except as aforesaid, shall rateably, according to the Number of Shares which they shall hold in the Company, upon Demand, pay One or more such last-mentioned Parts to the Shareholder against whom such Execution shall have issued, his Executors or Administrators; and in default of Payment he or they shall have the same Remedies in all respects for the Recovery thereof as under the Provisions herein-before mentioned are given in respect of the original Proportions of such Monies, Damages, Costs, and Expences; and if any Proportion of the said Monies, Damages, Costs, and Expences shall remain unpaid by reason of any such Bankruptcy, Insolvency, or other Cause as aforesaid, such Shareholder, his Executors or Administrators, shall have in like Manner, from Time to Time, and by way of accumulative Remedy, the same Powers, according to the Circumstances of the Case, of again dividing and enforcing Payment of the Amount of such Proportion, until he or they shall, in the End, if a former Shareholder, be fully reimbursed the whole of the said Monies, Costs, and Expences, and if then a Shareholder, the whole, excepting the Portions belonging to the Shares held by him.

Memorial to be registered.

XVI. And be it enacted, That within Three Months after the Grant of the said Letters Patent, and before the Company shall begin to carry on their Business as Bankers, an Account or Memorial shall be made out, according to the Form contained in the Schedule marked (A.) to this Act annexed, wherein shall be set forth the true Title or Firm of the Company, and also the Names and Places of Abode of all the Members of such Company as the same respectively shall appear on the Books of such Company, and also the Name and Place of Abode of every Director and Manager

Manager or other like Officer of the Company, and the Name or Firm of every Bank or Banks established or to be established by such Company, and also the Name of every Town or Place where the Business of the said Company shall be carried on; and a new Account or Memorial of the same Particulars shall be made by the said Company in every Year, between the Twenty-eighth Day of *February* and the Twenty-fifth Day of *March*, while they shall continue to carry on their Business as Bankers; and every such Memorial shall be delivered to the Commissioners of Stamps and Taxes at the Stamp Office in *London*, who shall cause the same to be filed and kept in the said Stamp Office, and an Entry or Registry thereof to be made in a Book or Books to be there kept for that Purpose by some Person or Persons to be appointed by the said Commissioners in that Behalf, which Book or Books any Person or Persons shall from Time to Time have Liberty to search and inspect on Payment of the Sum of One Shilling for every Search; and the Company shall from Time to Time cause to be printed and kept, in a conspicuous Place accessible to the Public in their Office or principal Place of Business, a List of the registered Names and Places of Abode of all the Members of such Company for the Time being.

XVII. Provided also, and be it enacted, That the Manager or one of the Directors of every such Company shall, from Time to Time as Occasion shall require, make out in manner herein-before directed, and cause to be delivered to the Commissioners of Stamps and Taxes as aforesaid, a further Account or Memorial, according to the Form contained in the Schedule marked (B.) to this Act annexed, of the Name and Place of Abode of every new Director, Manager, or other like Officer of such Company, and also of the Name or Names of any Person or Persons who shall have ceased to be Members of such Company, and also of the Name or Names of any Person or Persons who shall have become a Member or Members of such Company, either in addition to or instead of any former Member or Members thereof, and of the Name or Names of any new or additional Town or Towns, Place or Places, where the Business of the said Company is carried on; and such further Account or Memorial shall from Time to Time be filed, and kept and entered and registered at the Stamp Office in *London*, in like Manner as is herein-before required with respect to the original or annual Account or Memorial herein-before directed to be made.

Memorials of occasional Changes.

XVIII. And be it enacted, That the several Memorials aforesaid shall be signed by the Manager or one of the Directors of the Company, and shall be verified by a Declaration of such Manager or Director before a Justice of the Peace, or a Master or Master Extraordinary of the High Court of Chancery, made pursuant to the Provisions of an Act passed in the Sixth Year of His late Majesty's Reign, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths; and if any Declaration*

Form of Memorials.

5 & 6 W. 4. c. 62.

claration so made shall be false in any material Particular the Person wilfully making such false Declaration shall be guilty of a Misdemeanor.

Evidence of Memorials.

XIX. And be it enacted, That a true Copy of any such Memorial, certified under the Hand of one of the Commissioners of Stamps and Taxes for the Time being, upon Proof made that such Certificate has been signed with the Handwriting of the Person certifying the same, whom it shall not be necessary to prove to be a Commissioner of Stamps and Taxes, shall be received in Evidence as Proof of the Contents of such Memorial, and Proof shall not be required that the Person by whom the Memorial shall purport to be verified was, at the Time of such Verification, the Manager or one of the Directors of the Company.

Commissioners of Stamps to give certified Copies on Payment of Ten Shillings.

XX. And be it enacted, That the said Commissioners of Stamps and Taxes for the Time being shall, upon Application made to them by any Person or Persons requiring a Copy, certified according to this Act, of any such Account or Memorial as aforesaid, in order that the same may be produced in Evidence, or for any other Purpose, deliver to the Person or Persons so applying for the same such certified Copy, he, she, or they paying for the same the Sum of Ten Shillings and no more.

Existing Liabilities to continue till new Memorials.

XXI. And be it enacted, That the Persons whose Names shall appear from Time to Time in the then last delivered Memorial, and their legal Representatives, shall be liable to all legal Proceedings under this Act, as existing Shareholders of the Company, and shall be entitled to be reimbursed, as such existing Shareholders only, out of the Funds or Property of the Company, for all Losses sustained in consequence thereof.

Bills and Notes to be signed by One Director or Manager.

XXII. And be it enacted, That all Bills of Exchange or Promissory Notes made, accepted, or endorsed on behalf of the said Company may be made, accepted, or endorsed (as the Case may be) in any Manner provided by the Deed of Partnership, so that they be signed by one of the Managers or Directors of the Company, and be by him expressed to be so made, accepted, or endorsed by him on behalf of such Company: Provided always, that nothing herein contained shall be deemed to make any such Manager or Director liable upon any such Bill of Exchange or Promissory Note to any greater Extent or in a different Manner than upon any other Contract signed by him on behalf of any such Company; and that every such Company, on whose Behalf any Bill of Exchange or Promissory Note shall be made, accepted, or endorsed in manner and form as aforesaid, may sue and be sued thereon as fully as in the Case of any Contract made and entered into under their Common Seal.

Manager not personally liable.

Transfers of Shares to be registered, &c.

XXIII. And be it enacted, That, subject to the Regulations herein contained, and to the Provisions of the Deed of Settlement, every Shareholder may sell and transfer his Shares in the said Company by Deed duly stamped, in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule marked (C.) annexed to this Act, or to the like Effect; and the same (when duly executed) shall be delivered to the Secretary, and be kept by him; and the Secretary shall enter a Memorial thereof in a Book, to be called the "Register of Transfers," and shall endorse such Entry on the Deed of Transfer, and for

for every such Entry and Endorsement the Company may demand any Sum not exceeding Two Shillings and Sixpence; and until such Transfer have been so delivered to the Secretary as aforesaid the Purchaser of the Share shall not be entitled to receive any Share of the Profits of the said Business, or to vote in respect of such Share.

XXIV. And be it enacted, That no Shareholder shall be entitled to transfer any Share until he shall have paid all Calls for the Time being due on every Share held by him.

XXV. And be it enacted, That the Directors may close the Register of Transfers for a Period not exceeding Fourteen Days previous to each Ordinary Meeting, and may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper as after mentioned; and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to such Ordinary Meeting.

XXVI. And with respect to the Registration of Shares the Interest in which may have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Shareholder, or in consequence of the Marriage of a Female Shareholder, or by any other legal Means than by a Transfer according to the Provisions of this Act, be it enacted, That no Person claiming by virtue of any such Transmission shall be entitled to receive any Share of the Profits of the said Business, or to vote in respect of any such Share as the Holder thereof, until such Transmission have been authenticated by a Declaration in Writing as hereinafter mentioned, or in such other Manner as the Directors shall require; and every such Declaration shall state the Manner in which and the Party to whom such Share shall have been so transmitted, and shall be made and signed by some credible Person before a Justice of the Peace, or before a Master or Master Extraordinary in the High Court of Chancery; and such Declaration shall be left with the Secretary, and thereupon he shall enter the Name of the Person entitled under such Transmission in the Register Book of Shareholders of the Company; and for every such Entry the Company may demand any Sum not exceeding Two Shillings and Sixpence.

XXVII. And be it enacted, That if such Transmission be by virtue of the Marriage of a Female Shareholder, the said Declaration shall contain a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Share; and if such Transmission have taken place by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production, in either of the Cases aforesaid, the Secretary shall make an Entry of the Declaration in the said Register of Transfers.

XXVIII. And be it enacted, That with respect to any Share to which several Persons may be jointly entitled, all Notices directed to be given to the Shareholders shall be given to such of

Transfer not to be made until all Calls paid.

Closing of Transfer Books.

Transmission of Shares by other Means than Transfer to be authenticated by a Declaration.

Proof of Transmission by Marriage, Will, &c.

Notices to joint Proprietors of Shares.

the said Persons whose Name shall stand first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.

Receipts for Money payable to Minors, &c.

XXIX. And be it enacted, That if any Money be payable to any Shareholder, being a Minor, Idiot, or Lunatic, the Receipt of the Guardian of such Minor, or the Receipt of the Committee of such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company not bound to regard Trusts.

XXX. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and the Receipt of the Party in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Power to make Calls.

XXXI. And be it enacted, That from Time to Time the Directors may make such Calls of Money upon the respective Shareholders, in respect of the Amount of Capital Stock respectively subscribed by them, as they shall think fit; and whenever Execution upon any Judgment against the Company shall have been taken out against any Shareholder, the Directors, within Twenty-one Days next after Notice shall have been served upon the Company of the Payment of any Money by such Shareholder, his Executors or Administrators, in or toward Satisfaction of such Judgment, shall make such Calls upon all the Shareholders as will be sufficient to reimburse to such Shareholder, his Executors or Administrators, the Money so paid by him or them, and all his or their Damages, Costs, and Expences by reason of such Execution, and shall apply the Proceeds of such Calls accordingly; and every Shareholder shall be liable to pay the Amount of every Call, in respect of the Shares held by him, to the Persons, and at the Times and Places, from Time to Time appointed by the Directors.

Interest on Calls unpaid.

XXXII. And be it enacted, That if, before or on the Day appointed for Payment, any Shareholder do not pay the Amount of any Call to which he may be liable, then such Shareholder shall be liable to pay Interest for the same at the yearly Rate of Five Pounds in the Hundred from the Day appointed for the Payment thereof to the Time of the actual Payment.

Enforcement of Calls by Action.

XXXIII. And be it enacted, That if at the Time appointed by the Directors for the Payment of any Call the Holder of any Share fail to pay the Amount of such Call, the Company may sue such Shareholder for the Amount thereof in any Court of Law or Equity having competent Jurisdiction, and may recover the same, with Interest at the yearly Rate of Five Pounds in the Hundred from the Day on which such Call may have been payable.

Declaration in Action for Calls.

XXXIV. And be it enacted, That in any Action to be brought by the Company against any Shareholder to recover any Money due for any Call it shall not be necessary to set forth the special Matter, but it shall be sufficient for the Company to declare that the Defendant is a Holder of One Share or more in the Company (stating

(stating the Number of Shares), and is indebted to the Company in the Sum of Money to which the Calls in arrear shall amount, in respect of One Call or more upon One Share or more (stating the Number and Amount of each of such Calls), whereby an Action hath accrued to the Company by virtue of this Act.

XXXV. And be it enacted, That on the Trial of such Action it shall not be necessary to prove the Appointment of the Directors who made such Call, or any other Matter, except that the Defendant at the Time of making such Call was a Holder of One Share or more in the Company, and that such Call was in fact made, and such Notice thereof given as is directed by this Act; and thereupon the Company shall be entitled to recover what shall be due upon such Call, with Interest thereon.

Matter to be proved in Action for Calls.

XXXVI. And be it enacted, That the Production of the Register Book of Shareholders of the Company shall be Evidence of such Defendant being a Shareholder, and of the Number and Amount of his Shares.

Proof of Proprietorship.

XXXVII. And be it enacted, That if the Holder of any Share fail to pay a Call payable by him in respect thereof, with the Interest, if any, that shall have accrued thereon, the Directors, at any Time after the Expiration of Six Calendar Months from the Day appointed for Payment of such Call, may declare such Share forfeited, and that whether the Company have sued for the Amount of such Call or not; but the Forfeiture of any such Share shall not relieve any Shareholder, his Executors or Administrators, from his and their Liability to pay the Calls made before such Forfeiture.

Forfeiture of Shares for Non-payment of Calls.

XXXVIII. And be it enacted, That before declaring any Share forfeited the Directors shall cause Notice of such Intention to be left at the usual or last Place of Abode of the Person appearing by the Register Book of Shareholders to be the Proprietor of such Share; and if the Holder of any such Share be not within the United Kingdom, or if the Interest in any such Share shall be known by the Directors to have become transmitted otherwise than by Transfer, as herein-before mentioned, but a Declaration of such Transmission shall not have been registered as aforesaid, and so the Address of the Parties to whom the same may have been transmitted shall not be known to the Directors, the Directors shall give public Notice of such Intention in the *London Gazette*; and the several Notices aforesaid shall be given Twenty-one Days at least before the Directors shall make such Declaration of Forfeiture.

Notice of Forfeiture to be given before Declaration thereof.

XXXIX. And be it enacted, That such Declaration of Forfeiture shall not take effect, so as to authorize the Sale or other Disposition of any Share, until such Declaration have been confirmed at some General Meeting of the Company, to be held after the Expiration of Two Calendar Months at the least from the Day on which such Notice of Intention to make such Declaration of Forfeiture shall have been given; and it shall be lawful for the Company to confirm such Forfeiture at any such Meeting, and by an Order at such Meeting, or at any subsequent General Meeting, to direct the Share so forfeited to be sold or otherwise disposed of; and after such Confirmation the Directors shall sell the forfeited Share, either by public Auction or private Contract, within

Forfeiture to be confirmed by a General Meeting.

Sale of forfeited Shares.

Six

Six Calendar Months next after the Confirmation of the Forfeiture, and if there be more than One such forfeited Share, then either separately or together, as to them shall seem fit; and any Shareholder may purchase any forfeited Share so sold.

Evidence as to
Forfeiture of
Shares.

XL. And be it enacted, That a Declaration in Writing by some credible Person not interested in the Matter, made before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, that the Call in respect of a Share was made, and Notice thereof given, and that Default in Payment of the Call was made, and that the Forfeiture of the Share was declared and confirmed in manner herein-before required, shall be sufficient Evidence of the Facts therein stated; and such Declaration, and the Receipt of a Director or Manager of the Company for the Price of such Share, shall constitute a good Title to such Share, and thereupon such Purchaser shall be deemed the Holder of such Share discharged from all Calls made prior to such Purchase; and a Certificate of Proprietorship shall be delivered to such Purchaser, and he shall not be bound to see to the Application of the Purchase Money, nor shall his Title to such Share be affected by any Irregularity in the Proceedings in reference to any such Sale.

No more Shares
to be sold than
sufficient for
Payment of
Calls.

XLI. And be it enacted, That the Company shall not sell or transfer more of the Shares of any such Defaulter than will be sufficient, as nearly as can be ascertained at the Time of such Sale, to pay the Arrears then due from such Defaulter on account of any Calls, together with Interest, and the Expences attending such Sale and Declaration of Forfeiture; and if the Money produced by the Sale of any such forfeited Share be more than sufficient to pay all Arrears of Calls, and Interest thereon, due at the Time of such Sale, and the Expences attending the Declaration of Forfeiture and Sale thereof, the Surplus shall, on Demand, be paid to the Defaulter.

On Payment of
Calls forfeited
Shares to revert.

XLII. And be it enacted, That if Payment of such Arrears of Calls, and Interest and Expences, be made before any Share so forfeited and vested in the Company shall have been sold, such Share shall revert to the Party to whom the same belonged before such Forfeiture, in such Manner as if such Calls had been duly paid.

Service of No-
tice on the
Company.

XLIII. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Notice, Writ, or other Proceeding at Law or in Equity, or otherwise, upon the Company, Service thereof respectively on the Manager or any Director for the Time being of the Company, by leaving the same at the principal Office of the Company, or, if the Company have suspended or discontinued Business, by serving the same personally on such Manager or Director, or by leaving the same with some Inmate at the usual or last Abode of such Manager or Director, shall be deemed good Service of the same on the Company.

Existing Com-
panies may con-
tinue their
Trades until
Twelve Months
after the passing
of this Act.

XLIV. Provided always, and be it enacted, That every Company of more than Six Persons, for the Formation or Establishment of which Proceedings had been begun or taken before the Sixth Day of *May* last, and which before the Fourth Day of *July* then next following was registered at the Stamp Office, and on the Fourth Day of *July* actually carried on the said Trade or Business

Business of Bankers in *England*, although under a Covenant or Agreement of Copartnership made or entered into on or after the Sixth Day of *May* last, may continue to carry on the said Trade or Business under any such Agreement or Covenant of Copartnership for any Time not exceeding Twelve Calendar Months next after the passing of this Act, in the same Manner in all respects as they legally might have done before the passing of this Act, and after the Expiration of the said Twelve Calendar Months, in case the Company shall not be incorporated under this Act, shall have, for the Purpose of closing their Trade or Business, but for no other Purpose, the same Powers and Privileges which they would have had if this Act had not been passed.

XLV. And be it enacted, That it shall be lawful for any Company of more than Six Persons carrying on the Trade or Business of Bankers in *England* before the said Sixth Day of *May*, or any Company which by the Provision herein-before in that Behalf contained is enabled to carry on the said Trade or Business of Bankers in *England* for a Time not exceeding Twelve Calendar Months next after the passing of this Act, to present a Petition to Her Majesty, praying that Her Majesty will be pleased to grant to them Letters Patent under this Act; and if, upon their Compliance with the Provisions herein-before contained with respect to Companies formed after the said Sixth Day of *May*, Her Majesty shall be pleased to grant to them Letters Patent under this Act as aforesaid, it shall be lawful for them thereafter to carry on their Trade and Business of Bankers as aforesaid according to this Act, and not otherwise: Provided always, that a Majority of the Directors of any such Company for the Time being, with the Consent of Three Fourths in Number and Value of the Shareholders present at a General Meeting of the Company, to be specially called for the Purpose, may resolve to make any Alterations in the Constitution of such Company, or otherwise, which may be deemed necessary or expedient for enabling such Company to come within the Provisions of this Act; and the Majority of the Directors of such Company may, in pursuance of the Resolution of such Meeting as aforesaid, execute a new Deed of Partnership on behalf of such Company, and it shall not be necessary for such Deed to be executed by any other Shareholder of such Company; and it shall thereupon be lawful for such Company to present such Petition as aforesaid, and a Copy of such Resolution and of such new Deed of Partnership so executed by a Majority of the Directors of the Company as aforesaid shall be annexed to such Petition; and if Her Majesty shall thereupon grant Letters Patent to such Company under this Act, all the Shareholders of such Company at the Time of the Grant of such Letters Patent shall be deemed to be incorporated under such Letters Patent, and to be the first Shareholders in such incorporated Company; and the said new Deed of Partnership so executed by a Majority of the Directors as aforesaid shall have such and the same Effect, to all Intents and Purposes, as if it had been executed by all the Shareholders.

Existing Companies may be brought under this Act.

XLVI. And be it enacted, That notwithstanding the Incorporation of any Company under this Act all Contracts and Agreements entered into by and with such Company shall continue in force

Agreements entered into with Companies after their In-

corporation to be enforced as if made before Incorporation.

force as between such incorporated Company and the Parties with which the Company entered into such Contracts and Agreements before the Incorporation thereof, and may be enforced in like Manner as if the Company had been incorporated before the making of any such Contract or Agreement, and that no Suit at Law or in Equity by or against such Company shall be abated by reason of such Incorporation; but on the Application of either of the Parties to such Suit to the Court in which such Suit is pending, at any Time before Execution on any Judgment in such Suit shall have issued, it shall be lawful for the Court to order that the Corporate Name of such Company be entered on the Record, instead of the Name of the Plaintiff or Defendant representing such Company before the Incorporation thereof, and thereupon such Suit may be prosecuted and defended in the same Manner as if the same had been originally instituted by or against the said incorporated Company; and where Execution on any Judgment of such Suit shall have issued before such Application, Execution of such Judgment may be had as if such Company were not incorporated as if this Act had not been passed.

Existing Companies to have the Powers of suing and being sued.

7 G. 4. c. 46.

XLVII. And be it enacted, That after the passing of this Act every Company of more than Six Persons established on the said Sixth Day of *May* for the Purpose of carrying on the said Trade or Business of Bankers within the Distance of Sixty-five Miles from *London*, and not within the Provisions of this Act, shall have the same Powers and Privileges of suing and being sued in the Name of any one of the public Officers of such Copartnership as the nominal Plaintiff, Petitioner, or Defendant on behalf of such Copartnership; and that all Judgments, Decrees, and Orders made and obtained in any such Suit may be enforced in like Manner as is provided with respect to such Companies carrying on the said Trade or Business at any Place in *England* exceeding the Distance of Sixty-five Miles from *London* under the Provisions of an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for the better regulating Copartnerships of certain Bankers in England; and for amending so much of an Act of the Thirty-ninth and Fortieth Years of the Reign of His late Majesty King George the Third, intituled 'An Act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of Three Millions towards the Supply for the Service of the Year One thousand eight hundred,' as relates to the same;* provided that such first-mentioned Company shall make out and deliver from Time to Time to the Commissioners of Stamps and Taxes the several Accounts or Returns required by the last-mentioned Act; and all the Provisions of the last-recited Act as to such Accounts or Returns shall be taken to apply to the Accounts or Returns so made out and delivered by such first-mentioned Companies, as if they had been originally included in the Provisions of the last-recited Act.

Banking Companies to be deemed Trading Companies.

XLVIII. And be it declared and enacted, That every Company of more than Six Persons carrying on the Trade or Business of Bankers in *England* shall be deemed a Trading Company within the Provisions of an Act passed in this Session of Parliament, intituled *An Act for facilitating the winding up the Affairs*
of

of Joint Stock Companies unable to meet their pecuniary Engagements.

XLIX. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word "Plaintiff" shall include Pursuer and Petitioner :

The Word "Defendant" shall include Defender and Respondent :

The Word "Execution" shall include Diligence or other Proceeding proper for giving Effect to any Judgment, Decree, or Order of a Court of Justice.

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

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

MEMORIAL or Account to be entered at the Stamp Office in London in pursuance of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*]; viz.

Firm or Name of the Banking Company; viz. [*set forth the Firm or Name.*]

Names and Places of Abode of all the Members of the Company; viz. [*set forth all the Names and Places of Abode.*]

Names and Places of the Bank or Banks established by such Company; viz. [*set forth all the Names and Places.*]

Names and Places of Abode of the Directors, Managers, and other like Officers of the said Banking Company; viz. [*set forth all the Names and Places of Abode.*]

Names of the several Towns and Places where the Business of the said Company is to be carried on; viz. [*set forth the Names of all the Towns and Places.*]

A. B. of Manager [*or other Officer, describing the Office*] of the above-mentioned Company, maketh Oath and saith, That the above-written Account doth contain the Name, Style, and Firm of the said Company, and the Names and Places of the Abode of the several Members thereof, and of the Banks established by the said Company, and the Names, Titles, and Descriptions of the Directors, Managers, and other like Officers of the said Company, and the Names of the Towns and Places where the Business of the Company is carried on, as the same respectively appear in the Books of the said Company, and to the best of the Information, Knowledge, and Belief of this Deponent.

Sworn before me, the Day of
at in the County of

C. D., Justice of the Peace in and for the
County of [*or Master or*
Master Extraordinary in Chancery].

SCHE-

SCHEDULE (B.)

MEMORIAL or Account to be entered at the Stamp Office in London on behalf of [*Name of the Company*], in pursuance of an Act passed in the Eighth Year of the Reign of Queen Victoria, intituled [*insert the Title of this Act*]; viz.

Names and Places of Abode of every new or additional Director, Manager, or other like Officer of the said Company; viz. *A.B.* in the Room of *C.D.*, deceased or removed [*as the Case may be*]; [*set forth every Name and Place of Abode.*]

Names and Places of Abode of every Person who has ceased to be a Member of such Company; viz. [*set forth every Name and Place of Abode.*]

Names and Places of Abode of every Person who has become a new Member of such Company; viz. [*set forth every Name and Place of Abode.*]

Names of any additional Towns or Places where the Business of the Company is carried on; viz. [*set forth the Names of all the Towns and Places.*]

A.B. of *Manager* [*or other Officer*] of the above-named Company, maketh Oath and saith, That the above-written Account doth contain the Name and Place of Abode of every Person who hath become or been appointed a Director, Manager, or other like Officer of the above Company, and also the Name and Place of Abode of any and every Person who hath ceased to be a Member of the said Company, and of every Person who hath become a Member of the said Company since the Registry of the said Company on the *Day of* *last*, as the same respectively appear on the Books of the said Company, and to the best of the Information, Knowledge, and Belief of this Deponent.

Sworn before me, the *Day of* at
in the County

C.D., Justice of the Peace in and for the
County of [*or Master or*
Master Extraordinary in Chancery].

SCHEDULE (C.)

Form of Transfer of Shares.

I of in consideration of the Sum
of paid to me by of
do hereby transfer to the said Share [*or Shares*],
numbered in the Business called "The
Banking Company," to hold unto the said his
Executors, Administrators, and Assigns [*or Successors and As-*
signs], subject to the several Conditions on which I held the same
at the Time of the Execution hereof. And I the said
do hereby agree to take the said Share [*or Shares*], subject to the
same Conditions. As witness our Hands and Seals, the
Day of

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 noticed
 “ as such.”

Cap. i.

AN Act to enable the *Ribble Navigation Company* to raise a further Sum of Money; and to enable the Owners of reclaimed Lands to pay a Sum in gross in lieu of the annual Rents.
 [2d April 1844.]

[*Powers of 1 & 2 Vict. c. viii. (except as altered) extended to this Act, § 1.*]

Cap. ii.

An Act to effectuate the Sale by the *Bolton and Preston Railway Company* of their Railway and other Property and Effects to the *North Union Railway Company*; to incorporate with such last-mentioned Company the Proprietors of the *Bolton and Preston Railway*; and to consolidate Shares into Stock.
 [10th May 1844.]

[*Powers of 7 W. 4. & 1 Vict. c. cxxi. 1 & 2 Vict. c. lvi. and 5 & 6 Vict. c. xv. (except as altered) extended to this Act, § 2.*]

Cap. iii.

An Act to amend the several Acts relating to the *Great Western*, the *Cheltenham and Great Western Union*, and *Oxford Railways*; to amalgamate the Two last-mentioned Railways with the *Great Western Railway*; and to authorize the Formation of additional

additional Works at *Cheltenham* by the *Great Western Railway* Company. [10th May 1844.]

[*Powers of 5 & 6 W. 4. c. cvii. 6 & 7 W. 4. c. xxxviii. 7 W. 4. & 1 Vict. cc. xci. xcii. 2 & 3 Vict. c. cxxvii. 6 & 7 W. 4. c. lxxvii. 1 & 2 Vict. c. xxiv. 5 & 6 Vict. c. xxviii. and 6 & 7 Vict. c. x. (except as altered) extended to this Act, § 1.*]

Cap. iv.

An Act to amend and enlarge some of the Provisions of the Act authorizing the Construction of the *Yarmouth and Norwich Railway*, and to authorize the Construction of certain new Works in connexion therewith. [10th May 1844.]

[*Powers of 5 & 6 Vict. c. lxxxii. (except as altered) extended to this Act, § 1.*]

Cap. v.

An Act for making a Railway from the *London and South-western Railway* to *Guildford* in the County of *Surrey*. [10th May 1844.]

Cap. vi.

An Act for providing for the Liquidation of the Debt owing by the Charity Workhouse of the City of *Edinburgh*, for regulating the Assessment for Relief of the Poor of the said City, and for other Purposes relating thereto. [10th May 1844.]

Cap. vii.

An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty, for abolishing certain Petty and Market Customs in the City of *Edinburgh*, and granting other Duties in lieu thereof. [10th May 1844.]

[*Powers of 3 & 4 Vict. c. xvii. (except as altered) extended to this Act, § 1.*]

Cap. viii.

An Act for establishing a Market in the Town of *Glossop* in the County of *Derby*. [10th May 1844.]

Cap. ix.

An Act to amend the Powers and Provisions of an Act of the First Year of King *William* the Fourth, for making the River *Waveney* navigable for Ships and other Seaborne Vessels from *Rosehall Fleet* to the Mouth of *Oulton Dyke*, and for making and maintaining a navigable Cut from the said River into the said Dyke. [10th May 1844.]

[*Powers of 1 W. 4. c. l. (except as altered) extended to this Act, § 1.*]

Cap. x.

An Act to alter and extend the Provisions of an Act for improving the Navigation of the River *Severn*. [10th May 1844.]

[*Powers of 5 & 6 Vict. c. xxiv. (except as altered) extended to this Act, § 1.*]

Cap. xi.

An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigations to borrow a further Sum of Money; and to extend and alter some of the Provisions of their present Acts. [10th May 1844.]

Cap. xii.

An Act for more effectually lighting with Gas the Borough and Parish of *Rochdale* in the County of *Lancaster*. [10th May 1844.]

[4 G. 4. c. xxxvi. repealed, § 1.]

Cap. xiii.

An Act to amend and enlarge the Provisions of Two several Acts, for lighting with Gas the Town of *Liverpool* and certain Places adjacent thereto. [10th May 1844.]

[Powers of 4 G. 4. c. xxxix. and 4 & 5 W. 4. c. i. (except as altered) extended to this Act, § 1.]

Cap. xiv.

An Act for regulating legal Proceedings by or against the *Durham* County Coal Company, and for other Purposes. [10th May 1844.]

Cap. xv.

An Act for making a Railway from *Norwich* to *Brandon*, with a Branch to *Thetford*. [10th May 1844.]

Cap. xvi.

An Act for maintaining a Railway from the *Manchester and Leeds* Railway to *Heywood*; and for amending the Acts relating to the *Manchester and Leeds* Railway. [10th May 1844.]

[Powers of 6 & 7 W. 4. c. cxi. 7 W. 4. & 1 Vict. c. xxiv. 2 & 3 Vict. c. lv. and 4 & 5 Vict. c. xxv. (except as altered) extended to this Act, § 1.]

Cap. xvii.

An Act for enabling the *Manchester and Birmingham* Railway Company to vary the Line of their Branch Railway to *Macclesfield*, and to make another Branch therefrom; and for amending the former Acts relating to the said Company. [10th May 1844.]

[Powers of 7 W. 4. & 1 Vict. c. lxxix. and 2 & 3 Vict. c. lxxix. (except as altered) extended to this Act, § 3.]

Cap. xviii.

An Act to consolidate the *North Midland, Midland Counties, and Birmingham and Derby Junction* Railways. [10th May 1844.]

[Recited Acts repealed, § 1.]

Cap. xix.

An Act to rectify a Mistake as to the Proceedings on the *Eastern Counties Railway Bill* and the *Eastern Counties Railway (Brandon and Peterborough Extension) Bill*. [23d May 1844.]

Cap. xx.

An Act to authorize the letting on Lease to the *Eastern Counties Railway Company* of the Railways and Works of the *Northern and Eastern Railway Company*, and to give effect to certain Arrangements entered into by the said Companies, and to amend and enlarge some of the Provisions of the Acts relating to the first-named Company. [23d May 1844.]

[Powers of 6 & 7 W. 4. c. cvi. 1 & 2 Vict. c. lxxxii. and 4 & 5 Vict. c. xiv. (except as altered) extended to this Act, § 1.]

Cap. xxi.

An Act for vesting the *Leeds and Selby Railway* in the *York and North Midland Railway Company*, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway. [23d May 1844.]

Cap. xxii.

An Act for making a Railway from *Rampside and Barrow* to *Dalton, Lindale, and Kirkby Ireleth*, in the County Palatine of *Lancaster*, to be called "The *Furness Railway*." [23d May 1844.]

Cap. xxiii.

An Act to amend an Act for maintaining the Pier and Harbour of *Newquay* in the County of *Cornwall*, and to make certain Tram Roads in connexion therewith. [23d May 1844.]

[Powers of 1 & 2 Vict. c. lxxxiv. (except as altered) extended to this Act, § 1.]

Cap. xxiv.

An Act for regulating, maintaining, and improving the Port of *Padstow* in the County of *Cornwall*, and the navigable Parts of the River *Camel* or *Allen* in the same County. [23d May 1844.]

Cap. xxv.

An Act to enable the *South-eastern Railway Company* to make a Railway from the said *South-eastern Railway* near *Ashford* to the City of *Canterbury* and the Towns of *Ramsgate* and *Margate*, and to join the *Canterbury and Whitstable Railway*. [23d May 1844.]

[Powers of 6 & 7 W. 4. c. lxxv. (except as altered) extended to this Act, § 2.]

Cap. xxvi.

An Act for enabling the *Pontop and South Shields Railway Company* to widen a Part of their Railway, and to make a Branch therefrom; and for other Purposes. [23d May 1844.]

[Powers of 5 & 6 Vict. c. xxvii. (except as altered) extended to this Act, § 1.]

Cap. xxvii.

An Act for authorizing the Sale of the *Durham Junction Railway* to the *Newcastle and Darlington Junction Railway Company*; and for enabling the said Company to make a Station at *Gateshead*, with a Bridge and Approaches to connect the said last-mentioned Railway with the Town of *Newcastle-upon-Tyne*; and for other Purposes. [23d May 1844.]

Cap. xxviii.

An Act for making a Harbour and Dock near to *Hartlepool* in the County of *Durham*. [23d May 1844.]

Cap. xxix.

An Act for dividing, allotting, and inclosing Lands in the Hamlet of *Thetford* in the Parish of *Streatham* in the *Isle of Ely* and County of *Cambridge*; and for draining and embanking certain Parts of the said Lands, and other Lands in the said Hamlet, and in other Parishes in the said *Isle* and County.

[23d May 1844.]

[*Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Recreation of the Inhabitants, § 49., and to the Lord of the Manor for Right of Soil, § 50., and to Feoffees in trust for the Poor, § 51. Saving the Rights of Bedford Level Corporation and Commissioners of South Level, § 204., and of Her Majesty and others as to Grunty Fen, § 205.*]

Cap. xxx.

An Act for granting certain Powers to "The *New British Iron Company*." [23d May 1844.]

Cap. xxxi.

An Act for enabling the *Northern Coal Mining Company* to raise Money for paying off existing Debts of the Company.

[23d May 1844.]

[*Powers of 5 & 6 Vict. c. xxi. (except as altered) extended to this Act, § 1.*]

Cap. xxxii.

An Act to authorize the Purchase of "*Monk's Ferry*" by the Commissioners for the Improvement of *Birkenhead, Cloughton-cum-Grange*, and Part of *Oxton*, in the County of *Chester*, and for amending the Acts relating to the said Commissioners.

[6th June 1844.]

[*Powers of 3 & 4 W. 4. c. lxxviii. 1 & 2 Vict. c. xxxiii. 5 & 6 Vict. c. v. and 6 & 7 Vict. cc. xiii. xxiv. (except as altered) extended to this Act, § 1.*]

Cap. xxxiii.

An Act for opening certain Streets and otherwise improving the Town of *Salford*; and for amending an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, for better cleansing and improving the said Town of *Salford* in the County Palatine of *Lancaster*. [6th June 1844.]

[*Powers of 11 G. 4. & 1 W. 4. c. viii. (except as altered) extended to this Act, § 1. Saving of Manorial Rights, § 154., and of the Rights*

7 & 8 Vict.

3 O

Rights of the Manchester and Salford Waterworks Company, § 155., and of the Mersey and Irwell Navigation, § 156., and of the Manchester, Bolton, and Bury Canal Navigation and Railway, § 157.]

Cap. xxxiv.

An Act for making a Railway from the Town of *Blackburn* to the *North Union Railway* in the Township of *Farrington* near *Preston*, all in the County of *Lancaster*. [6th June 1844.]

Cap. xxxv.

An Act to enable the *Northern and Eastern Railway Company* to make certain Deviations in the Line of their Railway between *Bishops-Stortford* and *Newport*; and to alter and amend the Acts relating to the said Railway. [6th June 1844.]

[*Powers of 6 & 7 W. 4. c. ciii. 2 & 3 Vict. cc. lxxvii. lxxviii. 3 & 4 Vict. c. lii. 4 & 5 Vict. cc. xxiv. xlii. and 6 & 7 Vict. c. xxviii. (except as altered) extended to this Act, § 1.*]

Cap. xxxvi.

An Act to amend the Acts relating to the *Maryport and Carlisle Railway*, and for making certain Extensions and Branches connected therewith. [6th June 1844.]

[*Powers of 7 W. 4. & 1 Vict. c. ci. and 6 & 7 Vict. c. lxx. (except as altered) extended to this Act, § 1.*]

Cap. xxxvii.

An Act for making a Railway from the *Lancaster and Preston Junction Railway* at *Lancaster* to or near to the City of *Carlisle*. [6th June 1844.]

Cap. xxxviii.

An Act for extending and amending some of the Powers and Provisions of the Act relating to "The *Leeds New Gas Company*." [6th June 1844.]

[*Powers of 5 & 6 W. 4. c. lxxxvi. (except as altered) extended to this Act, § 1.*]

Cap. xxxix.

An Act to enable the *Globe Insurance Company* to alter and amend some of the Provisions of their Deed of Settlement. [6th June 1844.]

Cap. xl.

An Act for the good Government and Police Regulation of the Borough of *Manchester*. [4th July 1844.]

Cap. xli.

An Act for the Improvement of the Town of *Manchester*. [4th July 1844.]

[*Powers of 32 G. 3. c. 69. 5 G. 4. c. cxxxiii. 9 G. 4. c. cxvii. 11 G. 4. & 1 W. 4. c. xlvii. 1 W. 4. c. xvi. 2 & 3 W. 4. c. xxxvi. 6 & 7 W. 4. c. xvi. 7 W. 4. & 1 Vict. c. cxii. and 2 & 3 Vict. c. ii. (except as altered) extended to this Act, § 3.*]

Cap. xlii.

An Act for amending and rendering more effectual an Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of *Lakenheath* and *Brandon* in the County of *Suffolk*. [4th July 1844.]

Cap. xliii.

An Act to enable the President, Treasurers, Deputy Treasurers, Benefactors and Subscribers, of and to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum to enlarge the said Infirmary, and to purchase and hold Land for the Erection of a new Lunatic Hospital or Asylum. [4th July 1844.]

[*Powers of 48 G. 3. c. cxxvii. and 5 & 6 Vict. c. i. (except as altered) extended to this Act, § 1.*]

Cap. xliv.

An Act to amend an Act for altering and amending several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan*. [4th July 1844.]

[*Powers of 6 & 7 W. 4. c. cxxvi. (except as altered) extended to this Act, § 1.*]

Cap. xlv.

An Act for uniting the *Sheffield* Gas Light Companies. [4th July 1844.]

[58 G. 3. c. lxxv. and 5 & 6 W. 4. c. xci. repealed, § 1.]

Cap. xlvi.

An Act to facilitate the Settlement of the Affairs of the *British* Iron Company. [4th July 1844.]

Cap. xlvii.

An Act to enlarge the Powers granted by an Act passed in the Second Session of the Fifth Year of Her present Majesty, intituled *An Act for regulating legal Proceedings by or against the Cwm Celyn and Blaina Iron Company, and for granting certain Powers thereto*. [4th July 1844.]

Cap. xlviii.

An Act for regulating legal Proceedings by or against "The *European* Life Insurance and Annuity Company," and for granting certain Powers thereto. [4th July 1844.]

Cap. xlix.

An Act for making and maintaining a Turnpike Road from *Sidmouth* to *Collumpton*, and also to or near to *Hele Mill* in the Parish of *Bradninch*, all in the County of *Devon*. (b) [4th July 1844.]

[*Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, § 18. Lime for Manure exempted from Toll, § 22. Tolls not to be taken until the Road from Langford Green to the Hare and Hounds shall* be

be made, § 23. No more Money to be laid out in repairing Roads than is collected thereon, § 26. Tolls not to be taken or Money laid out in Towns, § 27.]

Cap. l.

An Act to amend Three Acts for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Counties of *Kent* and *Sussex* draining into the River *Rother* and Channel of *Appledore*. [4th July 1844.]

[Powers of 7 G. 4. c. cxxii. 11 G. 4. & 1 W. 4. c. cxxxvi. and 3 & 4 W. 4. c. xxix. (except as altered) extended to this Act, § 1.]

Cap. li.

An Act to alter and amend an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for the better Protection of Property in the Borough of *Liverpool* from Fire. [4th July 1844.]

[Powers of 6 & 7 Vict. c. cix. (except as altered) extended to this Act, § 1.]

Cap. lii.

An Act to explain and amend the Acts incorporating the *British Society* for extending the Fisheries and improving the Sea Coasts of the Kingdom; for enlarging and improving the Harbour of *Pulteney Town* in the County of *Caitness*; and for lighting, cleansing, and improving the said Town, and better supplying the same with Water. [4th July 1844.]

[Powers of 26 G. 3. c. 106. and 54 G. 3. c. cxc. (except as altered) extended to this Act, § 1.]

Cap. liii.

An Act for amending certain Acts for paving, cleansing, and lighting the Streets and other public Passages and Places within the City and Borough of *Canterbury*. [4th July 1844.]

[Powers of 27 G. 3. c. 14. and 4 & 5 Vict. c. lxvi. (except as altered) extended to this Act, § 1.]

Cap. liv.

An Act for improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation, within the Town and County of the Town of *Southampton*. [4th July 1844.]

Cap. lv.

An Act to amend the several Acts relating to the *Preston and Wyre Railway, Harbour, and Dock Company*. [4th July 1844.]

[5 & 6 W. 4. c. lviii. 7 W. 4 & 1 Vict. cc. xxviii. xxix. and 2 & 3 Vict. cc. i. liv. recited, § 1.]

Cap. lvi.

An Act for better supplying with Water the Parishes of *Saint Michael*, the *Holy Trinity*, and *Saint John the Baptist*, in the City of *Coventry* and County of *Warwick*. [4th July 1844.]

Cap. lvii.

An Act for amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the *West Croft*, in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*; and for making certain Improvements within the said Town. [4th July 1844.]

Cap. lviii.

An Act to authorize an Extension of the *Edinburgh and Glasgow* Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway. [4th July 1844.]

[Powers of 1 & 2 Vict. c. lviii. 3 & 4 Vict. c. cviii. and 5 & 6 Vict. c. xii. (except as altered) extended to this Act, § 1.]

Cap. lix.

An Act for making a Railway from *Leeds* to *Bradford*, with a Branch to the *North Midland* Railway. [4th July 1844.]

Cap. lx.

An Act for making a Railway from the *Manchester and Bolton* Railway in the Parish of *Eccles* to the Parish of *Whalley*, all in the County Palatine of *Lancaster*, to be called The *Manchester, Bury, and Rossendale* Railway. [4th July 1844.]

Cap. lxi.

An Act for enabling the *York and North Midland* Railway Company to make a Railway from *York* to *Scarborough*, with a Branch to *Pickering*. [4th July 1844.]

[Powers of 6 & 7 W. 4 c. lxxxi. 7 W. 4. & 1 Vict. c. lxxviii. and 4 & 5 Vict. c. vii. (except as altered) extended to this Act, § 4.]

Cap. lxii.

An Act to enable the *Eastern Counties* Railway Company to make a Railway from the *Northern and Eastern* Railway at *Newport*, by *Cambridge* to *Ely*, and from thence Eastward to *Brandon*, and Westward to *Peterborough*. [4th July 1844.]

[Powers of 6 W. 4. c. cvi. 1 & 2 Vict. c. lxxxix. and 4 & 5 Vict. c. xiv. (except as altered) extended to this Act, § 2.]

Cap. lxiii.

An Act to make a Branch Railway from the *London and South-western* Railway to *Salisbury*. [4th July 1844.]

[Powers of 4 & 5 W. 4. c. lxxxviii. 7 W. 4. & 1 Vict. c. lxxi. 2 & 3 Vict. c. xxviii. and 4 & 5 Vict. cc. i. xxxix. (except as altered) extended to this Act, § 2.]

Cap. lxiv.

An Act for making a Railway from the Town and Port of *Whitehaven* to the Town and Port of *Maryport* in the County of *Cumberland*. [4th July 1844.]

Cap. lxxv.

An Act for making a Railway from *Chester* to *Holyhead*.
[4th July 1844.]

Cap. lxxvi.

An Act for making a Railway from the City of *Edinburgh* to the Town of *Berwick-upon-Tweed*, with a Branch to the Town of *Haddington*.
[4th July 1844.]

Cap. lxxvii.

An Act for making a Railway from the *Shoreham* Branch of the *London and Brighton* Railway to *Chichester*. [4th July 1844.]

Cap. lxxviii.

An Act for making a Railway from *Exeter* to *Plymouth*, to be called "The *South Devon* Railway." [4th July 1844.]

Cap. lxxix.

An Act to enable the *South-eastern* Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of *Folkestone*, and to construct other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the *Maidstone* Branch of the said *South-eastern* Railway; and to amend the Acts relating to the said Company.
[4th July 1844.]

[*Powers of 6 & 7 W. 4. c. lxxv. and 6 & 7 Vict. cc. li. lii. (except as altered) extended to this Act, § 1.*]

Cap. lxxx.

An Act for making a Railway to connect the *Edinburgh and Glasgow* and *Slamannan* Railways.
[4th July 1844.]

Cap. lxxxi.

An Act for making a Junction Railway from the *Eastern Counties* Railway at *Stratford* in the County of *Essex* to the River *Thames*, with a Branch Railway therefrom; and for constructing a Pier in the River *Thames*.
[4th July 1844.]

Cap. lxxxii.

An Act for repairing, maintaining, and improving the Road from *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a Place called *Bents* to or near *Dunford Bridge*, all in the West Riding of the County of *York*.
[19th July 1844.]

[4 G. 4. c. lxxvii. repealed, § 1. One Toll only to be paid for passing and repassing once through same Gate on same Day, § 29. Three Tolls only to be paid for passing any Number of Times through same Gate on same Day, § 30. Tolls to be taken at Two Gates only on the *Holmfrith* District for passing and repassing on same Day once through all the Gates on that District, and at One Gate only for passing and repassing once through all the Gates on the *Dunford* District, § 31. Additional

tional Tolls may be taken for extra Weight, and for Carriages with narrow Wheels, § 36. No more Money to be laid out in repairing Roads than is collected thereon, § 44. Act to commence on the Third Thursday after its passing, and to continue in force for 21 Years, and thence to the End of the next Session of Parliament, § 50.]

Cap. lxxiii.

An Act for more effectually repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry*.

[19th July 1844.]

[4 G. 4. c. lxi. repealed, § 1. Five full Tolls only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 11. Toll to be paid every Third Time of passing through same Gate on same Day, § 12. Tolls may be reduced for Chalk or Lime for Manure, § 15. No Tolls to be taken or Money laid out in *Coventry*, *Market Harborough*, *Lutterworth*, or the Parish of *Brinklow*, § 20. Act to commence on the 31st of December next after its passing, and to continue in force for 21 Years, and thence to the End of the next Session of Parliament, § 23.]

Cap. lxxiv.

An Act for uniting the *York Gas Light Company* and the *York Union Gas Light Company*, and for more effectually lighting with Gas the City of *York* and the Suburbs and Vicinity thereof,

[19th July 1844.]

[4 G. 4. c. lxxiv. repealed, § 1.]

Cap. lxxv.

An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of *Southampton*, and for removing and preventing Nuisances and Annoyances therein.

[19th July 1844.]

[10 G. 3. c. 25. 50 G. 3. c. clxix. wholly and 13 G. 3. c. 50. partly repealed, § 1.]

Cap. lxxvi.

An Act for enabling the Mayor, Aldermen, and Burgesses of the City of *Coventry* to make certain Improvements, to provide a Residence for the Judges during the Assizes in the said City, and to establish a Cemetery for the Dead near the said City.

[19th July 1844.]

Cap. lxxvii.

An Act for making a Landing Place at or near *Hythe* in the Parish of *Fawley* and extra-parochial Places adjoining thereto in the County of *Southampton*.

[19th July 1844.]

Cap. lxxviii.

An Act for authorizing the *Newport Dock Company* to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock.

[19th July 1844.]

[Powers of 5 & 6 W. 4. c. lxxv. 2 & 3 Vict. c. lxxiv. and 4 & 5 Vict. c. li. (except as altered) extended to this Act, § 1.]

Cap. lxxix.

An Act for constructing Tidal Basins, a Dock, and other Works at *Birkenhead* in the County of *Chester*; and for other Purposes.
[19th July 1844.]

Cap. lxxx.

An Act for enabling the Trustees of the *Liverpool* Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of *Liverpool*.
[19th July 1844.]

[*Powers of 8 Ann. c. 12. 3 G. 1. c. 1. 11 G. 2. c. 32. 2 G. 3. c. 86. 25 G. 3. c. 15. 39 G. 3. c. lix. 51 G. 3. c. cxliii. 53 G. 3. c. clvi. 59 G. 3. c. xxx. 6 G. 4. c. clxxxvii. 9 G. 4. c. lv. 9 G. 4. c. cxiv. 11 G. 4. & 1 W. 4. c. xiv. 4 & 5 Vict. c. xxx. and 6 & 7 Vict. c. xcvi. (except as altered) extended to this Act, § 1.*]

Cap. lxxxi.

An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the *Edinburgh, Leith, and Newhaven* Railway, and to make Two Branch Railways therefrom.
[19th July 1844.]

[*Powers of 6 & 7 W. 4. c. cxxxi. and 2 & 3 Vict. c. li. (except as altered) extended to this Act, § 1.*]

Cap. lxxxii.

An Act for making a Railway from the *Manchester and Leeds* Railway to the Towns of *Ashton-under-Lyne* and *Staly Bridge*.
[19th July 1844.]

Cap. lxxxiii.

An Act to enable the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company to make a Branch Railway to *Ashton-under-Lyne* and *Stalybridge*; and to alter and enlarge the Powers of the said Company.
[19th July 1844.]

[*Powers of 7 W. 4. & 1 Vict. c. xxi. 5 & 6 Vict. c. xviii. and 6 & 7 Vict. c. ix. (except as altered) extended to this Act, § 1.*]

Cap. lxxxiv.

An Act to amend the Acts relating to the *Taff Vale* Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of additional Works; and to enlarge the Powers of the Company.
[19th July 1844.]

[*Powers of 6 & 7 W. 4. c. lxxxii. 7 W. 4. & 1 Vict. c. lxx. and 3 & 4 Vict. c. cx. (except as altered) extended to this Act, § 1.*]

Cap. lxxxv.

An Act for making a Railway from *Colchester* to *Ipswich*.
[19th July 1844.]

Cap. lxxxvi.

An Act to amend the Acts relating to the *London and South-western Railway*, and to authorize an Extension of the said Railway and other Works at or near the *Nine Elms Station*.

[19th July 1844.]

[Powers of 4 & 5 W. 4. c. lxxxviii. 7 W. 4. & 1 Vict. c. lxxi. 2 & 3 Vict. c. xxviii. 4 & 5 Vict. cc. i. xxxix. and 7 & 8 Vict. c. lxiii. (except as altered) extended to this Act, § 3.]

Cap. lxxxvii.

An Act to extend the Line of the *Garnkirk and Glasgow Railway*; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway.

[19th July 1844.]

[Powers of 7 G. 4. c. ciii. 7 & 8 G. 4. c. lxxxviii. 11 G. 4. & 1 W. 4. c. cxxv. and 1 & 2 Vict. c. lx. (except as altered) extended to this Act, § 1.]

Cap. lxxxviii.

An Act for making a Railway from *Mellorn* in the Parish of *Minster* to *Black Rock* in the Parish of *Saint Michael* in *Saint Minver Lowlands* in the County of *Cornwall*.

[19th July 1844.]

Cap. lxxxix.

An Act to remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the Parish of *Necton* in the County of *Norfolk*.

[19th July 1844.]

Cap. xc.

An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of *Canada*, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the *Gaspé Fishery and Coal Mining Company*.

[29th July 1844.]

Cap. xci.

An Act for making a Railway from the *London and Brighton Railway* to *Lewes* and *Hastings*, with a Branch therefrom, all in the County of *Sussex*.

[29th July 1844.]

Cap. xcii.

An Act for making a Railway from the *London and Croydon Railway* at *Croydon* to *Epsom*.

[29th July 1844.]

Cap. xciii.

An Act for improving the Harbour and Quay of *Wells* in the County of *Norfolk*; and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay.

[29th July 1844.]

[Powers of 5 & 6 W. 4. c. xlviii. (except as altered) extended to this Act, § 1.]

Cap. xciv.

An Act for lighting, paving, cleansing, widening, and improving the Streets of the Town or Parish of *Wells* in the County of *Norfolk*; for removing and preventing Nuisances therein; and for making new Streets or Roadways. [29th July 1844.]

Cap. xcv.

An Act for incorporating the *London Gas Light Company*. [29th July 1844.]

Cap. xcvi.

An Act for regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company. [29th July 1844.]

Cap. xcvii.

An Act to continue and extend the Powers of "The *London and Croydon Railway Company*." [6th August 1844.]

[*Powers of 5 & 6 W. 4. c. x. 6 & 7 W. 4. c. cxxi. 1 & 2 Vict. c. xx. 2 & 3 Vict. c. xviii. 3 & 4 Vict. c. cxxix. and 7 & 8 Vict. c. xcii. (except as altered) extended to this Act, § 1.*]

Cap. xcviii.

An Act to alter, amend, enlarge, and in part repeal the Acts relating to the *Wishaw and Coltness Railway*. [6th August 1844.]

[*Powers of 10 G. 4. c. cvii. 3 & 4 W. 4. c. xli. 7 W. 4. & 1 Vict. c. c. 2 & 3 Vict. c. lviii. and 4 & 5 Vict. c. xi. (except as altered) extended to this Act, § 1.*]

Cap. xcix.

An Act for making a Railway from the River *Dee* in the County of the City of *Chester* to *Wrexham* in the County of *Denbigh*, to be called "The *North Wales Mineral Railway*." [6th August 1844.]

Cap. c.

An Act for making and maintaining a Railway from the City of *Dublin* to the Town of *Cashel*, with a Branch to the Town of *Carlow*. [6th August 1844.]

Cap. ci.

An Act for widening, repairing, and maintaining the Bridge of *Ayr*, commonly called the *New Bridge*, leading across the River of *Ayr* at the Royal Burgh or Town of *Ayr* in the County of *Ayr*; and for other Purposes in relation thereto. [6th August 1844.]

[25 G. 3. c. 37. repealed, § 1. Toll not to be demanded for re-passing on same Day, § 97. Horses, &c. attending Her Majesty or any of the Royal Family exempted from Toll, § 101. Also Horses and Carriages with Two Wheels only, conveying Mails, Soldiers on March or Duty, their Arms and Baggage, sick, wounded, or disabled Officers and Soldiers, Public Stores, and Volunteer

Volunteer Infantry, Yeomanry, and Cavalry going to or returning from Exercise, exempted from Toll, § 102. Post Horses may reposs Toll-free before Nine o'Clock the next Morning, § 103. During the existing Leases of the Mills of Ayr no Toll to be taken for Horses or Carriages employed in carrying Corn, &c. to be manufactured at such Mills, § 104.]

Cap. cii.

An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town and Borough of *Swansea* in the County of *Glamorgan*, and for removing and preventing Nuisances and Annoyances therein. [6th August 1844.]

[49 G. 3. c. lxxix. repealed.]

Cap. ciii.

An Act for making new Docks, and other Works connected therewith, in addition to the present Docks at *Kingston-upon-Hull*; and for amending the Acts relating to such last-mentioned Docks. [6th August 1844.]

[Powers of 14 G. 3. c. 56. 42 G. 3. c. xci. and 45 G. 3. c. xlii. (except as altered) extended to this Act, § 1.]

Cap. civ.

An Act for better lighting, paving, cleansing, watching, regulating and improving the Town of *Rochdale*, and the Environs thereof, in the County Palatine of *Lancaster*. [6th August 1844.]

[6 G. 4. c. cxxviii. repealed, § 1.]

Cap. cv.

An Act for better paving, lighting, cleansing, and otherwise improving Part of the Parish of *Newchurch* in the *Isle of Wight*, called *Ventnor*, and for establishing a Market therein. [6th August 1844.]

Cap. cvi.

An Act for improving the Drainage and Navigation of the Middle Level of the Fens. [9th August 1844.]

[Powers of 27 G. 2. c. 12. and 50 G. 3. c. cxxv. (except as altered) extended to this Act, § 7.]

Cap. cvii.

An Act for the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of *Paisley*, and certain Towns or Villages and Places adjacent; and for other Purposes relating thereto. [9th August 1844.]

Cap. cviii.

An Act to authorize the Division of the Parish and Vicarage of *Leeds* in the County of *York* into several Parishes and Vicarages. [9th August 1844.]

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN
IN EVIDENCE.

N.B.—*To each of these Acts is annexed a Clause in the Form following:*

“ And be it further enacted, That this Act shall be printed
“ by the several Printers to the Queen's most Excellent Majesty
“ duly authorized to print the Statutes of the United Kingdom;
“ and a Copy thereof so printed by any of them shall be admitted
“ as Evidence thereof by all Judges, Justices, and others.”

Cap. 1.

An Act for inclosing Lands in the Parish of *Bury* in the County
of *Huntingdon*. [2d April 1844.]
[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered)
extended to this Act, § 1. Allotment to be made for Recreation
of the Inhabitants, § 56.; and to the Lady of the Manor for
Right of Soil, § 57. Saving of Manorial Rights, § 101.; and
of the Rights of the *Bedford Level Corporation*. § 102.]

Cap. 2.

An Act for inclosing Lands in the Parish of *Ramsey* in the County
of *Huntingdon*. [2d April 1844.]
[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered)
extended to this Act, § 1. *Horsepond Green* not to be inclosed,
§ 54. Allotment to be made for Recreation of the Inhabitants,
§ 55.; and to the Lord of the Manor for Right of Soil, § 56.
Saving of Manorial Rights, § 101.; and of the Rights of the
Bedford Level Corporation, § 102.]

Cap. 3.

An Act to enable the Rector, Churchwardens, and Overseers of
the Poor of the Parish of *Bow Brickhill* in the County of *Buck-*
ingham to sell certain Parcels of Land in the said Parish which
were allotted to them under the Award of the Commissioners
made in pursuance of the *Bow Brickhill* and *Fenny Stratford*
Inclosure Act, passed in the Thirtieth Year of King *George* the
Third. [10th May 1844.]

Cap. 4.

An Act for inclosing Lands in the Parish of *Brandes Burton* in the County of *York*. [10th May 1844.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotments to be made for Materials for Roads, § 55.; and for Recreation of the Inhabitants, § 56.; and to Lords of Manors for Right of Soil, § 57. Rector's Allotment to be fenced at the general Expence, § 62.]

Cap. 5.

An Act for inclosing Lands in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland*.

[6th June 1844.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotments to be set out for Watering Places, § 53.; and for Materials for Roads, § 54.; and for Recreation of the Inhabitants, § 55.; and to the Lord of the Manor for Right of Soil, § 56.; and to the Vicar in lieu of Glebe and Common Rights, § 57. Vicar's Allotment to be fenced at the general Expence, § 62. Vicar, with Consent of the Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months next after the passing of the Act, § 65.]

Cap. 6.

An Act for inclosing Lands in the Manors or Lordships of *Farrington* and *Cumgilla* in the Parish of *Knighton* in the County of *Radnor*.

[6th June 1844.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 51.; and for Peat Mosses or Turbaries for Fuel, § 52.; and for Recreation of the Inhabitants, § 53.; and to the Lord of the Manor for Right of Soil, § 54.]

Cap. 7.

An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of *Nottingham*.

[4th July 1844.]

[2 & 3 Vict. c. xxviii. in part repealed § 1.]

Cap. 8.

An Act for inclosing Lands in the Parishes of *Bleddfa* and *Llan-gunllo* in the County of *Radnor*.

[4th July 1844.]

[Powers of 41 G. 3. c. 109. and 1 & 2 G. 4. c. 23. (except as altered) extended to this Act, § 1. Allotment to be made for Materials for Roads, § 51.; and for Peat Mosses or Turbaries for Fuel, § 52.; and for Recreation of the Inhabitants, § 53.; and to the Lord of the Manor for Right of Soil, § 54.; and to the Vicar in lieu of Glebe and Common Right, § 55. Vicar's Allotment to be fenced at the general Expence, § 60. Vicar, with Consent of Bishop and Patron, may lease his Allotment for Twenty-one Years, to commence within Twelve Months after passing the Act, § 63.]

Cap. 9.

An Act for enabling *George Edwards* and *Walter Colbourn*, the Committees of the Estate of *William Beckett Neachell*, a Person of unsound Mind, to make Conveyances for carrying into execution an Agreement for the Partition or Division of the Real Estates of *William Orme* deceased, pursuant to an Order of the High Court of Chancery. [4th July 1844.]

Cap. 10.

An Act for authorizing a new Entail to be made of those Parts of the Lands and Estate of *Blythswood* which lie in the County of *Lanark*, and for enabling *Archibald Campbell* Esquire, of *Blythswood*, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of certain Parts thereof; and for other Purposes therein expressed. [4th July 1844.]

Cap. 11.

An Act to enable *Archibald* Marquess of *Ailsa* to borrow a certain Sum of Money upon the Security of his entailed Estates of *Cassillis* and *Culzean*, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [4th July 1844.]

Cap. 12.

An Act to authorize the Sale of the Fee Simple of the Estates of *Francis Hale Rigby* of *Mistley* in the County of *Essex*, Esquire, deceased, as devised by his Will, and for laying out the Monies to arise by such Sale. [4th July 1844.]

Cap. 13.

An Act for selling the entailed Estate of *Schivas* in the County of *Aberdeen*, belonging to *Alexander Forbes Irvine* Esquire, and for investing the Price thereof in the Purchase of other Lands, to be entailed in lieu of the said Estate. [19th July 1844.]

Cap. 14.

An Act for carrying into effect a Contract between *Edward Gresley Stone* and *Thomas Fulljames* Esquires for the Sale to the said *Thomas Fulljames* of an Estate in the Parishes of *Hasfield*, *Ashleworth*, and *Corse*, in the County of *Gloucester*, Part of the Estates devised by the Will of *John Stone* Esquire, deceased, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and for vesting certain other detached Estates in the Counties of *Gloucester* and *Worcester*, devised by the same Will, in Trustees, for Sale, and for investing the Monies arising therefrom in the Purchase of more convenient Estates, to be settled to the same Uses. [19th July 1844.]

Cap. 15.

An Act to authorize the Sale of a certain Leasehold Estate in the County of *Kent*, Part of the settled Estate of the Earl of *Guildford*. [19th July 1844.]

Cap. 16.

An Act to enable Sir *James John Randoll Mackenzie* of *Scatwell*, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain Claims for Money laid out and to be laid out in Improvements upon the said Estate. [29th July 1844.]

Cap. 17.

An Act for vesting in Trustees certain Parts of the entailed Estate of *Seaforth*, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith. [29th July 1844.]

Cap. 18.

An Act for authorizing the Sale of certain Estates in the Counties of *Meath* and *Cavan*, limited by the Settlement executed on the Marriage of *Pierce Morton* and *Louisa Morton* otherwise *Somerville*, his Wife, and for applying the Monies thence arising in Payment of Incumbrances affecting the said Estates prior to said Settlement. [6th August 1844.]

Cap. 19.

An Act to authorize the Sale of certain Estates and Mines belonging to the Chapel of *Willenhall* in the Parish of *Wolverhampton* in the County of *Stafford*; and to provide a Residence for the Incumbent of the Chapel. [6th August 1844.]

Cap. 20.

An Act to enable the Guardian of *Henry Peach Keighley Peach* an Infant, to sell the next Presentation to the Rectory and Parish Church of *Idlicote* in the County of *Warwick*. [6th August 1844.]

Cap. 21.

An Act for enlarging the Powers contained in the Will of Sir *John Ramsden* Baronet, deceased, to grant Leases of the Hereditaments in the Townships of *Huddersfield*, *Honley*, *Dalton*, and *Aldmondbury*, devised by such Will; and for other Purposes. [6th August 1844.]

Cap. 22.

An Act for enabling the Trustees under the Will of the late Mr. *Jonathan Passingham* to grant Leases of the devised Estates, with Licences to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes. [6th August 1844.]

Cap. 23.

An Act for enabling the Trustees under the Marriage Settlement of *William Henry Bowen Jordan Wilson* Esquire to sell the Estates comprised in the same Settlement, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses. [6th August 1844.]

Cap. 24.

An Act for enabling Trustees to sell the Estates devised by and settled to the Uses of the Will of *William Harris* Esquire, deceased, and for authorizing the laying out of the Monies arising therefrom in the Purchase of other Estates, to be settled to the same Uses. [6th August 1844.]

Cap. 25.

An Act for carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the Right Honourable *Thomas Lord Le Despencer* deceased, out of the settled Estates of the said *Thomas Lord Le Despencer* deceased at *Mereworth* in the County of *Kent* and elsewhere in the said County; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates. [6th August 1844.]

Cap. 26.

An Act to enable *Thomas Alexander* Baron *Lovat* to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [6th August 1844.]

Cap. 27.

An Act to enable the Trustees of the Will of Sir *George William Tapps Gervis* Baronet, deceased, to convey a Church at *Bournemouth* in the County of *Southampton* to Her Majesty's Commissioners for building new Churches, and to endow the same. [6th August 1844.]

Cap. 28.

An Act for enabling the Trustees of the Will of *William Atkins Bowyer* Esquire, deceased, to grant building, improving, and other Leases of certain Estates at *Clapham* in the County of *Surrey*, devised by the said Will and the Second Codicil thereto to the Trustees therein named. [6th August 1844.]

Cap. 29.

An Act for effecting an Exchange of the entailed Estate of *Rosehall*, belonging to the Right Honourable *James Edward* Lord *Cranstoun*, situated in the County of *Sutherland*, for certain Lands in the County of *Kincardine* belonging to *James Matheson* Esquire, of *Achany*. [6th August 1844.]

Cap. 30.

An Act for confirming and carrying into execution certain Articles of Agreement made and entered into between *Charles James* Lord Bishop of *London*, *Thomas Thistlethwayte* Esquire, *Thomas Somers Cocks* Esquire, *Christopher Hodgson* Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company; and for other Purposes therein mentioned. [6th August 1844.]

Cap. 31.

An Act for vesting Parts of the Estates of *William Devaynes* Esquire, deceased, in Trustees, upon trust to be sold; and for paying off a Mortgage Debt of Eight thousand two hundred Pounds due to *James Parkinson* Esquire, out of the first Purchase Monies, and for laying out the Residue of the Purchase Monies, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.

[6th August 1844.]

Cap. 32.

An Act for annexing to the united Bishopricks of *Down, Connor,* and *Dromore* the House known as *Down and Connor House,* with the Appurtenances; and for other Purposes.

[6th August 1844.]

Cap. 33.

An Act to confirm certain Contracts for Leases made and entered into by *James Weller Ladbroke* Esquire of Lands and Premises at or near *Notting Hill* in the County of *Middlesex*; and to alter and enlarge the Powers 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 enable James Weller Ladbroke Esquire and others to grant Building Leases of Lands in Kensington, Paddington, Notting Barns, and Westborne, in the County of Middlesex*; and for other Purposes relating thereto.

[6th August 1844.]

Cap. 34.

An Act to explain an Act passed in the First Year of Her present Majesty, intituled *An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable William Henry Earl of Rochford deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for other Purposes*; and for extending the Operation of such Act to certain Parties whose Consent thereto was required.

[9th August 1844.]

I N D E X

TO THE

PUBLIC GENERAL ACTS, 7° & 8° VICTORIAÆ.

The Asterisk () signifies that the Act relates exclusively to Ireland.*

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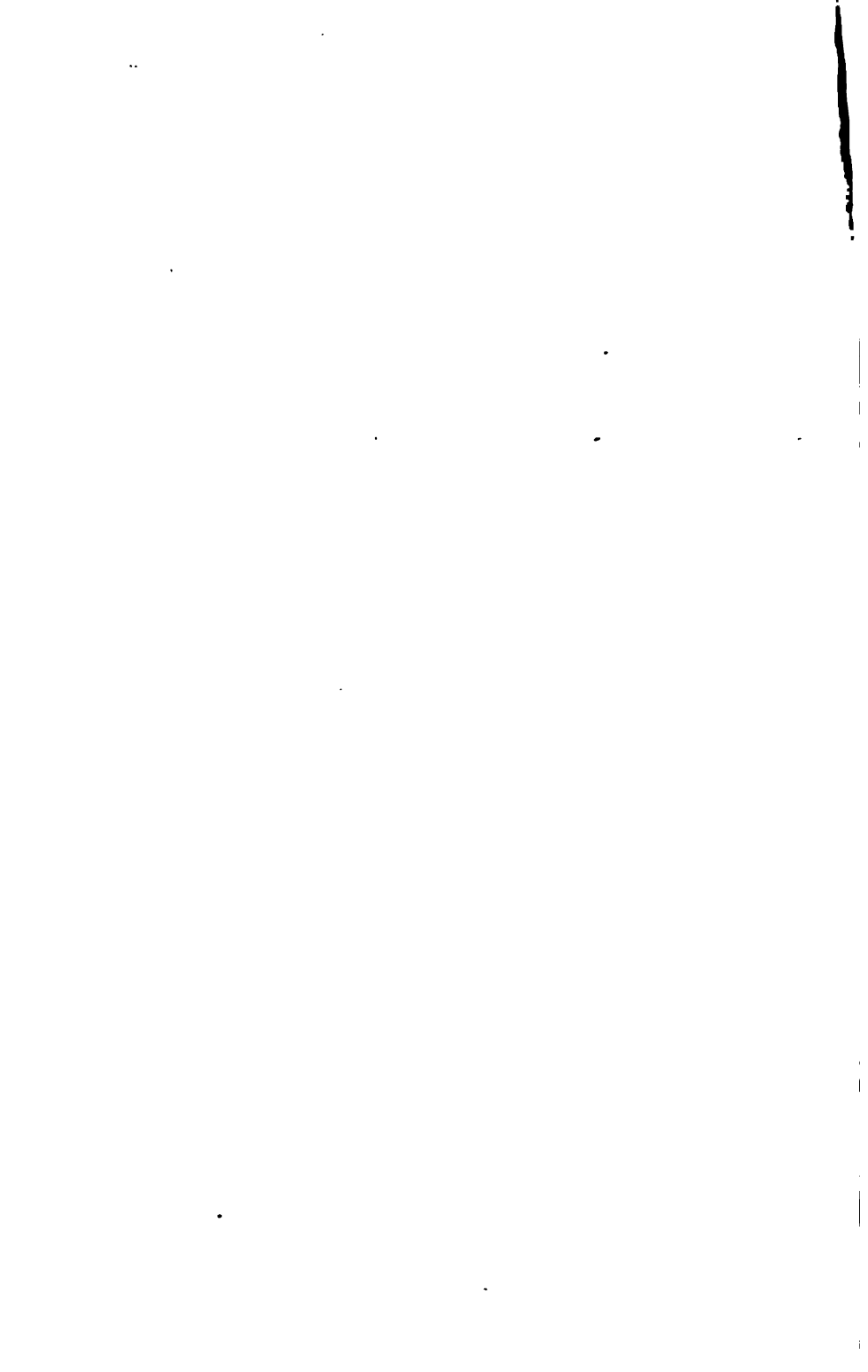
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