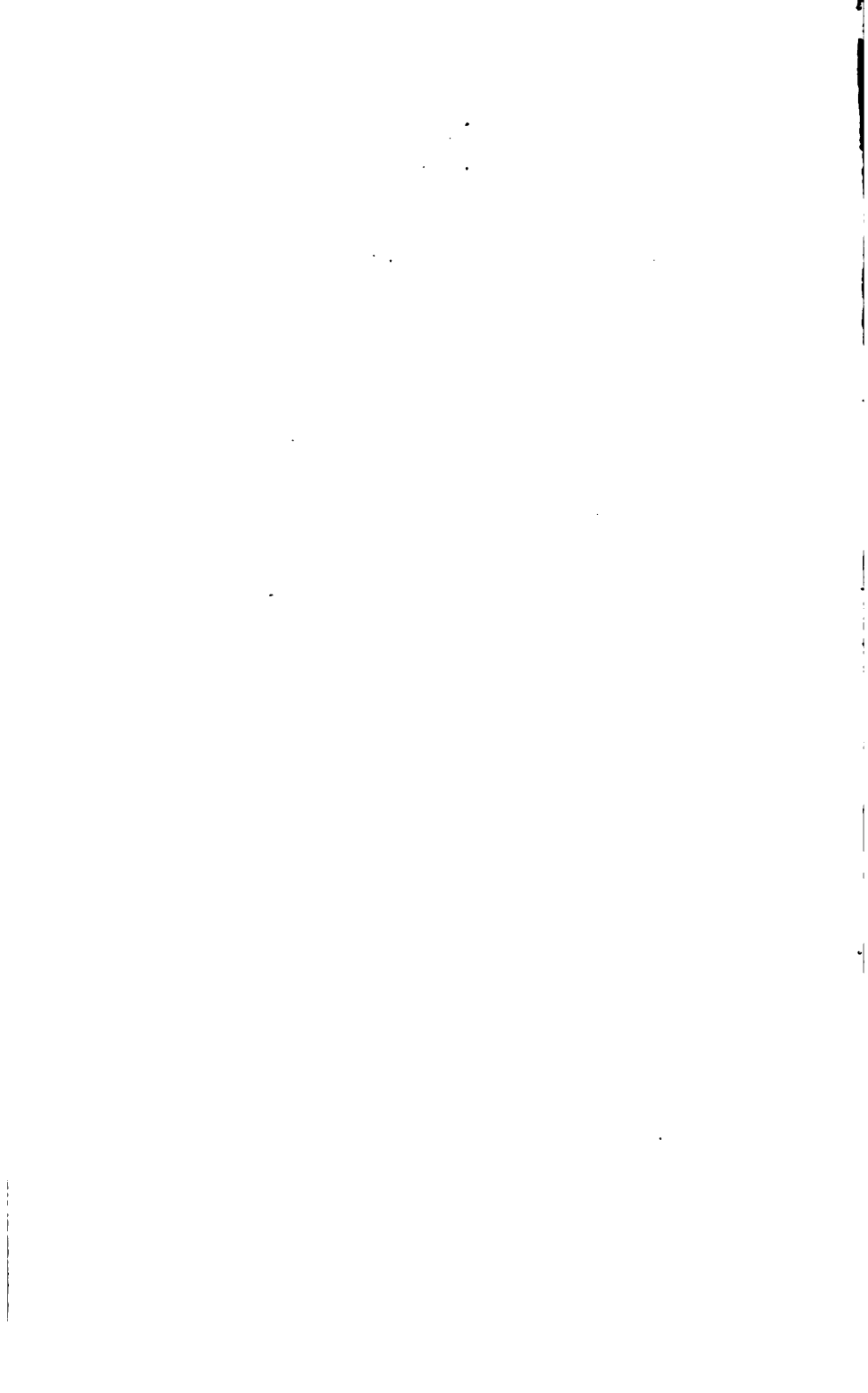



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THE  
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OF  
GREAT BRITAIN AND IRELAND,  
  
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**T A B L E**

Containing the TITLES of all

**THE STATUTES,**

Passed in the FIRST Session of the TWELFTH Parliament

OF

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

5° & 6° GULIELMI IV.

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**PUBLIC GENERAL ACTS.**

1. **A**N Act to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England* and *Wales*, so far as relates to the Execution of Criminals in the County of *Chester*. Page 1
2. An Act to amend an Act of the Thirty-eighth Year of King *George* the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act. 3
3. An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five. 5
4. An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five. 6
5. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. *Ibid.*
6. An Act to indemnify the Governor General and other Persons in respect of certain Acts done in the Administration of the Government of the *British* Territories in the *East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid. 15
7. An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. 17
8. 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. 22

9. An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five. *Page 22*
10. An Act to allow, until the Twenty-eighth Day of *July* One thousand eight hundred and thirty-five, the Importation of certain Articles, Duty-free, into the Island of *Dominica*, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty-free. *22*
11. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates. *23*
12. An Act for continuing to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five. *24*
13. An Act to regulate the Importation of Corn into the *Isle of Man*. *Ibid.*
14. An Act to continue to the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty's Reign, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*. *25*
15. An Act to continue until the Thirty-first Day of *May* One thousand eight hundred and thirty-eight, and to the End of the then next Session of Parliament, the Allowances of the Duty of Excise on Soap used in certain Manufactures. *Ibid.*
16. An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in *Ireland*. *26*
17. An Act to extend to *Ireland* certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound Mind*. *38*
18. An Act to exempt Carriages carrying Manure from Toll. *40*
19. 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. *Ibid.*
20. An Act to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto. *64*
21. An



21. An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for vesting in Commissioners the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and for discharging the Trustees under several Acts of the Seventeenth, Twenty eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty, from the future Repair and Maintenance thereof, and for repealing so much of the said Acts as affects the said Line of Road. Page 76
22. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England*. 90
23. An Act for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey*, *Jersey*, and *Man*. 91
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25. An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office. 98
26. An Act for the Appointment of convenient Places for the holding of Assizes in *Ireland*. 113
27. An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in *Ireland*. 115
28. An Act for removing Doubts as to the Declaration to be made and Oaths to be taken by Persons appointed to the Office of Sheriff of any City or Town, being a County of itself. 127
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31. An Act to give Effect and Validity to certain Contracts and Presentments for repairing and keeping in repair certain Public Roads in *Ireland* and the Sureties entered into for the Execution thereof. 142
32. An Act to impose certain Duties on Tea. 143
33. An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King *William* and Queen *Mary*, for preventing Delays at the Quarter Sessions of the Peace.

- Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King *George* the Fourth, as to taking Bail in Cases of Felony. *Page 144*
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35. An Act for consolidating the Offices of Paymaster General, Paymaster and Treasurer of *Chelsea* Hospital, Treasurer of the Navy, and Treasurer of the Ordnance. 146
36. An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day. 149
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41. An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions. *Ibid.*
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43. An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables. 165
44. An Act for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five. 166
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48. An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland.* 177

49. An Act for continuing, until the First Day of *June* One thousand eight hundred and thirty-seven, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six or with the next Session of Parliament. Page 182
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53. An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British* Possessions on the Continent and Islands of *North America*; and to make further Provision for regulating the Carriage of Passengers from the United Kingdom. 245
54. An Act to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages. 252
55. An Act for facilitating the Appointment of Sheriffs in *Ireland*, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in *Ireland*; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in *Ireland*; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in *Ireland* to the Commissioners for auditing the Public Accounts of *Great Britain*. *Ibid.*
56. An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom. 267
57. An Act to extend to *Scotland* certain Provisions of an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in *Scotland*. 270
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60. An Act for carrying into effect a Treaty with the King of the *French* and the King of *Sardinia* for suppressing the Slave Trade. 282

61. An Act for carrying into effect the Treaty with the King of the *French* and the King of *Denmark* for suppressing the Slave Trade.} Page 298
62. 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. 314
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67. An Act for the Improvement of the Navigation of the River *Shannon*. 347
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69. An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in *England* and *Wales*. 358
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71. An Act for appointing Commissioners to continue the Inquiries concerning Charities in *England* and *Wales* until the First Day of *March* One thousand eight hundred and thirty-seven. 368
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77. An Act to repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on *German* Sheet Glass exported in Panes; and to repeal the Drawback on unground and unpolished

- polished Plate Glass; and to amend the Laws relating to the Duties on Glass. *Page 484*
78. An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King *William* the Fourth, for amending the Representation of the People in *Scotland*; and to diminish the Expences there. 492
79. An Act to suspend, until after the Sixth Day of *April* One thousand eight hundred and thirty-six, Proceedings for recovering Payment of certain Instalments of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*. 495
80. An Act to apply a Sum of Money out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and thirty-five, and to appropriate the Supplies granted in this Session of Parliament. 496
81. An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. 504
82. An Act to abolish certain Offices connected with Fines and Recoveries and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of certain Offices in the Superior Courts of Common Law in *England*. 506
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## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- i. AN Act for the Improvement of the High Street in the Borough of *Ledbury* in the County of *Hereford*. *Page 517*
- ii. An Act for making, maintaining, and repairing a Turnpike Road from the Town of *Belfast* to the Town of *Crumlin* in the County of *Antrim*. *Ibid.*
- iii. An Act for more effectually repairing the Road from *Carmarthen* to *Newcastle Emlyn*, and several other Roads, and for making and maintaining new Lines of Road, all in the County of *Carmarthen*. 518
- iv. An Act to enable the *University* Life Assurance Society and their Successors to purchase Annuities upon or for Lives, and also to lend Money or Stock upon Mortgage for the Purpose of Investment. *Ibid.*
- v. An Act for better assessing and collecting the Poor and other Rates in the Parish of *Barking* in the County of *Essex*. *Ibid.*
- vi. An

- vi. An Act for better supplying with Water the Parish of *Ramsgate*, and the Neighbourhood thereof, in the County of *Kent*.  
Page 518
- vii. An Act to authorize the Sale to and Purchase by *John Lord Rolle* of the Rights of Persons claiming to have divers Rights on such Parts of *Great Torrington* and *Castle Hill Commons* in the County of *Devon* as now form Part of the Cut or Canal called the *Rolle Canal*.  
*Ibid.*
- viii. An Act for incorporating the *Warrington* and *Newton Railway* with the Grand Junction Railway, and for extending to the said first-mentioned Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway; and for other Purposes relating thereto. 519
- ix. An Act to enable the Grand Junction Railway Company to alter the Line of such Railway, and to make Two Branches therefrom in the County of *Stafford*, and for other Purposes relating thereto.  
*Ibid.*
- x. An Act for making a Railway from *Croydon* to join the *London and Greenwich Railway* near *London*.  
*Ibid.*
- xi. An Act to enlarge the Powers of the *New Pembrey Harbour Act*, to change the Name of the Harbour to that of *Burry Port*, and to enable the *Burry Port Company* to raise a further Sum of Money.  
*Ibid.*
- xii. An Act for constructing and maintaining a Harbour at *New Quay* in the County of *Cardigan*.  
*Ibid.*
- xiii. An Act for making and maintaining a Pier and other Works at *Deptford* in the County of *Kent*. 520
- xiv. An Act to enable the Commissioner appointed under Two Acts for draining certain Lands situated on or near the River *Leven* in the Counties of *Kinross* and *Fife* to raise a further Sum of Money for the Purposes of the said Acts.  
*Ibid.*
- xv. An Act to enlarge and regulate the Market now held in the Town of *Devonport* in the County of *Devon*, and to establish a Market within the said Town for Corn, Grain, and other Articles, and to regulate the Amount of Tolls to be paid within the said Markets.  
*Ibid.*
- xvi. An Act for lighting with Gas the Town and Neighbourhood of *Llanelly* in the County of *Carmarthen*.  
*Ibid.*
- xvii. An Act for building a new Parish Church in the Town of *Honiton* in the County of *Devon*.  
*Ibid.*
- xviii. An Act for paving, cleansing, lighting, and regulating the several Parishes of *Saint Margaret*, *Saint John the Evangelist*, and *Saint James*, within the Liberty of *Westminster* in the County of *Middlesex*, and the Precinct of the *Savoy*, and also Part of the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, within the same County; and for other Purposes therein mentioned.  
*Ibid.*
- xix. An Act for repairing the Road from *Little Bowden* in the County of *Northampton* to *Rockingham* in the same County. 521
- xx. An Act for repairing the Road from *Farnborough* to *Riverhill* in the Parish of *Sevenoaks* in the County of *Kent*, and for making several Diversions in the said Road.  
*Ibid.*

- xxi. An Act for making and maintaining a Road from *New Quay* in the County of *Cardigan* to *Aberayron* in the same County. Page 521
- xxii. An Act for improving certain Roads within the County of *Hereford* communicating with the City of *Hereford*. *Ibid.*
- xxiii. An Act to incorporate the *Avenue Road* in the Parish of *Saint Marylebone* with the *Marylebone* and *Finchley* Turnpike Roads in the County of *Middlesex*. *Ibid.*
- xxiv. An Act for making and maintaining a Turnpike Road from the Town of *Hurstperpoint* to the *Brighton* and *Cuckfield* Turnpike Road at or near *Ansty Cross* in the Parish of *Cuckfield*, all in the County of *Sussex*. *Ibid.*
- xxv. An Act for more effectually repairing the *Darlington* and *West Auckland* and the *Cockerton Bridge* and *Staindrop* Roads in the County of *Durham*, and for consolidating the Trusts thereof. 522
- xxvi. An Act for more effectually repairing the Road from the *Exeter* Turnpike Road to *Biddaford*, and certain Roads leading from *Bridgelown Pomeroy* and *Totnes*, and other Roads communicating therewith; and for repairing *Totnes Bridge*, and erecting Bridges over the *Stover* Canal, the Rivers *Teign* and *Lemon*, and the *Mill Leat*; all in the County of *Devon*. *Ibid.*
- xxvii. An Act for repairing and improving the Roads in the Counties of *Northumberland* and *Durham* called the *Ford* and *Lowick* Turnpikes, and for making certain new Branches in the said Counties. *Ibid.*
- xxviii. An Act for making Turnpike certain Highways between the Towns of *Nantwich* and *Congleton* in the County Palatine of *Chester*. 523
- xxix. An Act for building a Bridge over the River *Exe* from the *Shilhay* at the City of *Exeter*, and for making Approaches thereto; and for removing the present Ferry across the said River, and establishing another Ferry or a Foot-bridge in lieu thereof. *Ibid.*
- xxx. An Act to amend the Acts relating to the *Manchester, Bolton, and Bury* Canal Navigation and Railway, and to make a Branch Railway to *Bolton*. *Ibid.*
- xxxi. An Act to authorize the *Newcastle upon Tyne* and *Carlisle* Railway Company to make an additional Branch Railway or Tramroad; and for other Purposes connected with their Undertaking. *Ibid.*
- xxxii. An Act to amend an Act for improving the Navigation of the River *Cart*, and for deepening and extending the Harbour of *Paisley*, in the County of *Renfrew*. *Ibid.*
- xxxiii. An Act to enable the *Edinburgh* Water Company to borrow a further Sum of Money. 524
- xxxiv. An Act to consolidate and extend the Powers and Provisions of the several Acts relating to the *Birmingham* Canal Navigations. *Ibid.*
- xxxv. An Act for making, maintaining, and repairing certain Roads near the Towns of *Ashburton* and *Totnes* in the County of *Devon*. *Ibid.*

- xxxvi. An Act for repairing and maintaining the Road from the *Wellington Bridge Road* in the Parish of *Leeds* to *Tong Lane End* in the Parish of *Birstal*, and other Roads branching therefrom, and for making and maintaining a new Road from the aforesaid Road at *Swallow Hill* in the Township of *Wortley* to *Pudsey*, all in the West Riding of the County of *York*. Page 524
- xxxvii. An Act for making and maintaining a Road from *Sandbach* to *Congleton* in the County Palatine of *Chester*, and a Branch Road communicating therewith. *Ibid.*
- xxxviii. An Act for more effectually repairing the Road from *Mullen's Pond* in the County of *Southampton*, through *Amesbury*, to the Eighteen Mile Stone from the City of *New Sarum* near *Willoughby Hedge* in the County of *Wilts*, and several other Roads leading out of the said Road. 525
- xxxix. An Act for more effectually repairing and improving the Road from the Town of *Hitchin*, through *Shefford*, to the Turnpike Road from *Saint Albans* to *Bedford*, and also the Road from the Turning out of the said Road to *Henlow* and *Gerford Bridge*, and other Roads therein mentioned, in the Counties of *Hertford* and *Bedford*. *Ibid.*
- xl. An Act for more effectually repairing the Road from *Saint Benedict's Gate* in the County of the City of *Norwich* to *Swaffham* in the County of *Norfolk*, and from *Halfpenny Bridge* in *Honingham* to the Bounds of *Yazham*, and also a Lane called *Hangman's Lane*, near the Gates of the said City. *Ibid.*
- xli. An Act for more effectually repairing the Road from *Duffield*, through *Belper*, to *Heage* in the County of *Derby*, and for making a new Line of Road communicating therewith. *Ibid.*
- xl.ii. An Act to empower the *Dublin Oil Gas Light Company* to produce Gas from Coal, Peat, Turf, and other Materials; and to amend the Act relating to the said Company. 526
- xl.iii. An Act to enable the Inhabitants of *Grosvenor Square* in the County of *Middlesex* more effectually to pave, cleanse, light, water, and embellish the said Square. *Ibid.*
- xl.iiii. An Act for enlarging the Powers of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, to consolidate and amend several Acts for the further Improvement of the Port of *London*, by making Docks and other Works at *Blackwall* for the Accommodation of *East India* Shipping. *Ibid.*
- xl.v. An Act for lighting, watching, and improving the Parish of *Tormoham* in the County of *Devon*. *Ibid.*
- xl.vi. An Act for improving and regulating the Town of *Aberystwyth* in the County of *Cardigan*, and for supplying the Inhabitants thereof with Water. *Ibid.*
- xl.vii. An Act to alter and amend Three several Acts for paving, cleansing, and improving the Town of *Dovor*; and for making further Improvements in the said Town. *Ibid.*
- xl.viii. An Act for more effectually repairing, improving, and preserving the Harbour and Quay of *Wells* in the County of *Norfolk*. *Ibid.*
- xl.ix. An Act for improving the Haven of *Great Yarmouth* in the County of *Norfolk*, and the several Rivers connected therewith, and



- and for repairing or taking down and rebuilding a certain Bridge over the said Haven at *Great Yarmouth* aforesaid, and a certain Bridge called *Saint Olave's Bridge*, over the River *Waveney*, in the Counties of *Norfolk* and *Suffolk*; and for suspending for a limited Period certain Duties payable to the Corporation of *Great Yarmouth*, and imposing other Duties in lieu thereof. Page 527
- i. An Act for establishing a new Market for Live Stock and Agricultural Produce, and erecting a Market House or Corn Exchange, in the City of *Winchester*. *Ibid.*
  - ii. An Act for removing the Markets held in the Town of *Cardiff* in the County of *Glamorgan*, and for providing other Market Places in lieu thereof. *Ibid.*
  - iii. An Act for paving, lighting, and watching the Town and Parish of *Downham Market* in the County of *Norfolk*. *Ibid.*
  - liii. An Act for removing the Markets held in the Town and Borough of *Neath* in the County of *Glamorgan*, and for providing a new Market Place in the said Town in lieu thereof. *Ibid.*
  - liv. An Act for altering, amending, and extending the Powers and Provisions of an Act of the Sixth Year of His late Majesty King *George* the Fourth, for the Regulation of Buildings in the Town of *Liverpool*, and for the other Purposes therein mentioned; and for granting further and additional Powers for the Improvement and Regulation of the said Town, and the Preservation of Property therein from Fires, and otherwise. *Ibid.*
  - lv. An Act to make and maintain a Railway from *Stanrig* and *Arbuckle* in the County of *Lanark* to the Union Canal at *Causewayend* in the County of *Stirling*. 528
  - lvi. An Act to enable the *London* and *Birmingham* Railway Company to extend and alter the Line of such Railway, and for other Purposes relating thereto. *Ibid.*
  - lvii. An Act to enable the *Leeds* and *Selby* Railway Company to improve the Line of the said Railway; and for amending and enlarging the Powers and Provisions of an Act relating to such Railway. *Ibid.*
  - lviii. An Act for making a Railway from *Preston* to *Wyre*, and for improving the Harbour of *Wyre*, in the County Palatine of *Lancaster*. *Ibid.*
  - lix. An Act for consolidating the Shares in the *Wilts* and *Berks* Canal Navigation, and for extending the Powers of the Act of Incorporation of the Company of Proprietors of the said Canal. *Ibid.*
  - lx. An Act for providing in or near the Burgh of *Cupar* more extensive Accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of Supply of the County of *Fife*, and for the Custody of the Records of the said County. *Ibid.*
  - lxi. An Act for better supplying with Water the Town of *Ashton-under-Lyne*, and the Neighbourhood thereof, within the Parish of *Ashton-under-Lyne*, in the County Palatine of *Lancaster*. 529
  - lxii. An Act for more effectually making, repairing, and maintaining the Turnpike Roads in the County of *Edinburgh*. *Ibid.*
  - lxiii. An

- lxiii. An Act for improving and more effectually repairing the several Roads leading into and from the City of *Worcester*.  
Page 529
- lxiv. An Act for repairing the Roads from *Sevenoaks Common* to *Woodsgate*, *Tunbridge Wells*, and *Kipping's Cross*, and from *Tunbridge Wells* to *Woodsgate*, in the County of *Kent*. *Ibid.*
- lxv. An Act for more effectually repairing the *Launceston Turnpike Roads*, and making certain additional Roads. 530
- lxvi. An Act for more effectually repairing and improving the Road from the Junction of the *Odstock Road* with the *Downton Road* near *Harnham Hill*, through *Blondford* and *Dorchester*, to *Asherswell Hill*, in the Counties of *Wilts* and *Dorset*. *Ibid.*
- lxvii. An Act for more effectually repairing and improving the Road from *Newry* to *Charlemont*, through the County of *Armagh*.  
*Ibid.*
- lxviii. An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the County of *Edinburgh*. 531
- lxix. An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King *George* the Third, for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement*; and for other Purposes in the said Acts mentioned. *Ibid.*
- lxx. An Act for making and maintaining a Bridge over the River called "The *Portland Ferry*," in the County of *Dorset*, with proper Approaches thereto. *Ibid.*
- lxxi. An Act for amending an Act passed in the last Session of Parliament for establishing a Floating Bridge over the River *Itchen* near the Town of *Southampton*, with proper Approaches thereto, and making Roads to communicate therewith. *Ibid.*
- lxxii. An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of *Tunbridge Wells* in the Counties of *Kent* and *Sussex*, and for regulating the Supply of Water and establishing a Market within the said Town.  
*Ibid.*
- lxxiii. An Act for paving, lighting, and otherwise improving the Town of *Haverfordwest*, and the adjoining Townships of *Prendergast* and *Cartlett*, in the Parishes of *Prendergast* and *Uzmaston*, in the County of *Pembroke*. 532
- lxxiv. An Act to amend several Acts relating to the Bridge and to the City and Port of *Londonderry*. *Ibid.*
- lxxv. An Act for making and maintaining a Dock and other Works in the Port of *Newport* in the County of *Monmouth*, with a Railway and Stone Road therefrom. *Ibid.*
- lxxvi. An Act to enable the Proprietors or Shareholders in the *Argus* Life Assurance Company to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Company. *Ibid.*
- lxxvii. An Act for providing a Market Place and regulating the Markets in the Town and Borough of *Merthyr Tydfil* in the County of *Glamorgan*.  
*Ibid.*
- lxxviii. An

- lxxviii. An Act for erecting and maintaining a Pier or Harbour at *Gourock* in the County of *Renfrew*. Page 532
- lxxix. An Act for the further Improvement of the Harbour of *Ayr*. 533
- lxxx. An Act for supplying the Town of *Paisley* in the County of *Renfrew* with Water. *Ibid.*
- lxxxi. An Act for the better supplying the Parish of *Richmond* in the County of *Surrey* with Water. *Ibid.*
- lxxxii. An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Sea Shore at or near *Whitstable* in the County of *Kent* to or near to the City of *Canterbury*, and the Works connected therewith; and to authorize the Company of Proprietors to raise a further Sum of Money. *Ibid.*
- lxxxiii. An Act for enabling *John Brandling* and *Robert William Brandling* Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from *Gateshead* to *South Shields* and *Monk-Wearmouth*, all in the County Palatine of *Durham*, with Branches therefrom. *Ibid.*
- lxxxiv. An Act for making and maintaining a Railway from *Newtyle* to *Coupar Angus* in the County of *Forfar*. *Ibid.*
- lxxxv. An Act for making and maintaining a Railway between the Town of *Paisley* and the South Side of the River *Clyde* at *Renfrew Ferry*, and for constructing Wharfs, Quays, or Landing Places there; all in the County of *Renfrew*. *Ibid.*
- lxxxvi. An Act for better lighting with Gas the Town and Neighbourhood of *Leeds* in the Borough of *Leeds* in the West Riding of the County of *York*. *Ibid.*
- lxxxvii. An Act for altering the Line of Road from the Milford of *Garscube* to the City of *Glasgow*, and improving the Roads leading therefrom into the said City. 534
- lxxxviii. An Act for improving and keeping in repair certain Roads in the Counties of *Flint* and *Chester*, and for better maintaining the Ferry over the River *Dee* called the *Lower King's Ferry*, in the said County of *Flint*. *Ibid.*
- lxxxix. An Act for more effectually repairing and improving the Road from the Side Gate on the *Hinchley* and *Lutterworth* Turnpike Road in the Parish of *Burbage* in the County of *Leicester* to the *Leicester* Turnpike Road in or near to the Village of *Narborough* in the said County. *Ibid.*
- xc. An Act to explain and amend the Powers of an Act of His late Majesty King *George* the Fourth, for making a Pier at *Southend* in the County of *Essex*. *Ibid.*
- xci. An Act for better lighting with Gas the Borough of *Sheffield* in the West Riding of the County of *York*. *Ibid.*
- xcii. An Act for making and maintaining a Railway from *Newtyle* to the Muir of *Bassie*, and from thence to the Muir of *Glammiss*, in the County of *Forfar*. 535
- xciii. An Act to amend an Act relating to the *Bodmin* and *Wadebridge* Railway. *Ibid.*
- xciv. An Act for amending and consolidating the Acts of Parliament for the Recovery of Small Debts in the City of *London* and

- and the Liberties thereof, and for enabling the Goods of the Debtors to be taken in Execution. Page 535
- xcv. An Act to amend and extend the Powers vested in the Grand Junction Waterworks Company, and for other Purposes relating thereto. *Ibid.*
- xcvi. An Act to authorize the *Llanelly* Railway and Dock Company to make certain additional Railways or Tramroads, and for other Purposes connected therewith. *Ibid.*
- xcvii. An Act for effecting an Extension of the *Ballochney* Railway, in the County of *Lanark*; and for altering, amending, and enlarging the Powers of an Act of the Seventh Year of His late Majesty, for making the said Railway. *Ibid.*
- xcviii. An Act to amend an Act of the Third Year of His present Majesty, for more effectually supplying with Water the City and County of the City of *Exeter* and Places adjacent thereto. *Ibid.*
- xcix. An Act to enable the *Reading* Waterworks Company to extend their Works; and for explaining and enlarging the Powers of the Act relating to such Company. 536
- c. An Act for the better paving, lighting, watching, cleansing, and otherwise improving the Borough of *Truro* in the County of *Cornwall*, and for forming a new Street within the same Borough. *Ibid.*
- ci. An Act for paving, lighting, watching, and otherwise improving the Town of *Bognor* in the County of *Sussex*; and for amending and enlarging Two Acts of Parliament passed in the Third and Sixth Years of the Reign of His late Majesty King *George* the Fourth, relating to the said Town. *Ibid.*
- cii. An Act for building a Bridge over the River *Trent* at *Wilmington* in the County of *Derby*. *Ibid.*
- ciii. An Act for repairing and otherwise improving the Roads from *Oxford*, over *Botley Causeway*, to *Fifield* in the County of *Berks* and *Witney* in the County of *Oxford*. *Ibid.*
- civ. An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for more effectually repairing the Road from the *Exeter* Turnpike Road to *Biddaford*, and certain Roads leading from *Bridgetown Pomeroy* and *Totnes*, and other Roads communicating therewith, and for repairing *Totnes Bridge*, and erecting Bridges over the *Stover* Canal, the Rivers *Teign* and *Lemon*, and the *Mill Leat*, all in the County of *Devon*. *Ibid.*
- cv. An Act for more effectually repairing certain Roads leading to and from *Bodmin*, and other Roads therein mentioned, in the County of *Cornwall*, and for making and maintaining certain new Roads communicating therewith. 537
- cvi. An Act for the Improvement of the Registrar's Office and other Offices of the Court of Chancery. *Ibid.*
- cvii. An Act for making a Railway from *Bristol* to join the *London* and *Birmingham* Railway near *London*, to be called "The Great Western Railway," with Branches therefrom to the Towns of *Bradford* and *Trowbridge* in the County of *Wilts*. *Ibid.*
- cviii. An

- cviii. An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for lighting, watching, and improving the Parish of *Tormoham*, in the County of *Devon*. Page 537
- cix. An Act to improve and maintain the *Port Dundas* Road, and to make and maintain another Road, in the County of *Lanark*. *Ibid.*
- cx. An Act for incorporating and granting certain Powers to the *North American Colonial Association of Ireland*. 538
- cxi. An Act for establishing a Market for the Sale of Cattle in the Parish of *Saint Mary Islington* in the County of *Middlesex*. *Ibid.*
- cxii. An Act to alter, amend, and enlarge the Powers of an Act of the Second and Third Years of His present Majesty, for making and maintaining a Railway from the *Cave Hill* to the Harbour of *Belfast* in the County of *Antrim*. *Ibid.*

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## PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN  
IN EVIDENCE.

1. AN Act for vesting in *George Knowles* Esquire and his Heirs certain Freehold and Copyhold Estates situate at *Sharow* in the Parish of *Ripon* in the County of *York*, discharged from the Uses mentioned or referred to by the Marriage Settlement of the said *George Knowles*, and for substituting and settling certain Freehold and Copyhold Estates situate at *Hamberstone Bank* and *Thruscross* in the Parish of *Hampsthwaite* in the said County of *York* in lieu thereof, and to the like Uses. *Page 539*
2. An Act for vesting certain Freehold and Leasehold Hereditaments situate in the Town and County of the Town of *Southampton*, devised and bequeathed by the Will of *Ann Hambly* Widow, deceased, in Trustees for Sale; and for laying out the Monies to be produced by such Sale in the Purchase of other Estates, to be settled in the same Manner. *Ibid.*
3. An Act for vesting certain Shares of Estates now belonging to *Sir Cecil Augustus Bisshopp*, *Harriet Arabella Bisshopp*, *George Curzon Bisshopp*, *Edward Cecil Bisshopp*, and *Catherine Mary Bisshopp*, Infants, and also to the said *Sir Cecil Augustus Bisshopp* alone, in Trustees, to be sold, and for investing the Purchase Monies arising from such Shares in other Estates. *Ibid.*
4. An Act for applying the Balance now lying in Bank of the Price of the Lands of *Glenkinglas* and others, contained in a  
5 & 6 GUL. IV. a Deed

Deed of Entail executed by the deceased Sir *Duncan Campbell* of *Lochnell*, which were sold in virtue of the Powers contained in an Act of Parliament passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, towards Payment of certain Sums laid out by General *Duncan Campbell* of *Lochnell* in the Improvement of the said entailed Estate. Page 540

5. An Act to enable the granting of Leases, and for other Purposes relating to the Estates of *William Harris* Esquire, deceased. *Ibid.*
6. An Act for confirming a Partition, made under a Decree of His Majesty's High Court of Chancery, of an Estate in the County of *Chester* among *Whitmore Smart, Elizabeth Smart* Spinster, and others. *Ibid.*
7. An Act for the Sale of Estates in *Ireland* devised by the Will of the Right Honourable *Chichester* late Earl of *Massereene*, and for the Purchase of other Estates in *Ireland*, to be settled to the Uses of the said Will. *Ibid.*
8. An Act for authorizing the Sale of the entailed Lands of *North Ferryhill* or *Carlingnose* in the County of *Fife*, and the entailed Lands and Estate of *Kirkton* and *Whitelaw* in the County of *Linlithgow*, belonging to *William Scott Moncrieff* Esquire, and the Purchase of other Lands, to be entailed. *Ibid.*
9. An Act for exchanging the *Broomsthorpe* and *Castle Rising* Estates in the County of *Norfolk*, devised by the Will of *George James* late Marquis of *Cholmondeley* deceased to Lord *William Henry Hugh Cholmondeley* for Life, with Remainders over, for Lands in *Netherton* and *Huxley* in the County Palatine of *Chester*, devised by the same Will to the said Lord *William Henry Hugh Cholmondeley* in Fee Simple. *Ibid.*
10. An Act for inclosing Lands in the Parishes of *Tavistock, Milton-Abbot, Brentor, and Lamerton*, in the County of *Devon*, called *Heathfield*. *Ibid.*
11. An Act for inclosing Lands in the Manor and Township of *Ulleshelf* in the Parish of *Kirby Wharfe* in the County of *York*. 541
12. An Act for dividing, allotting, and inclosing the Commons or Waste Lands called *Ranmore* otherwise *Ravensmoor*, in the several Parishes of *Acton* and *Baddiley*, or One of them, in the County of *Chester*. *Ibid.*
13. An Act for inclosing and allotting Lands in the Parish of *Stretham* in the *Isle of Ely* and County of *Cambridge*, and for the Commutation of Tithes. *Ibid.*
14. An Act for authorizing Sales, Leases, Grants, and Improvements of an Estate at *Lillington* in the County of *Warwick*, devised by the Will of *Matthew Wise* Esquire; and for other Purposes. *Ibid.*
15. An Act to empower the Judges of the Court of Session in *Scotland* to sell the Lands of *Bravelleichs* in the County of *Argyll*, and, after discharging the Debts affecting the same, to invest the Surplus in the Purchase of other Lands, to be entailed. *Ibid.*
16. An

16. An Act to enable the Prebendary of the Prebend of *Highleigh*, founded in the Cathedral Church of the *Holy Trinity* of *Chichester*, to accept Surrenders of the existing Lease of any Part of the said Prebend, and to grant new Leases thereof.  
Page 541
17. An Act for confirming certain Leases granted by Sir *James Graham* Baronet, deceased, and by Sir *Sandford Graham* Baronet, his Son, of Land at *Kirkstall* and in the Township of *Headingley-cum-Burley*, in the Parish of *Leeds* in the West Riding of the County of *York*.  
*Ibid.*
18. An Act for enabling the Committee of the Estate of *Le Gendre Pierce Starkie* Esquire, a Lunatic, to grant Leases of his settled Estates.  
542
19. An Act to vest Part of the entailed Estate of *Cromarty*, lying within the County of *Ross*, and by Annexation within the County of *Cromarty*, in Trustees in Fee Simple, for the Purpose of selling the same, and of paying Debts which affect or may be made to affect the said entailed Estate; and for other Purposes connected therewith.  
*Ibid.*
20. An Act for vesting in *Archibald* Lord *Douglas* of *Douglas*, or the Heir of Entail in Possession for the Time, certain detached Parts of the entailed Estates of *Douglas* in Fee Simple, upon entailing certain other Lands equivalent in Value to the same and to a Debt due by him to the said entailed Estates.  
*Ibid.*
21. An Act for uniting the Rectory and Parish Church of *Stanmer* in the County of *Sussex* with the adjoining Vicarage and Parish Church of *Falmer*, and for exchanging the Parsonage House and Glebe Land of *Stanmer* and the Vicarage House of *Falmer*, for certain Pieces of Land at *Falmer*, being Part of the settled Estates of the Right Honourable *Henry Thomas* Earl of *Chichester*, on which a new Parsonage House has been built at the Expence of the said Earl.  
*Ibid.*
22. An Act to enable the Mayor, Aldermen, and Citizens of the City of *Worcester* to grant renewable Leases of the *Worcester* County Infirmary and of the Land held therewith to the Governors of the said Infirmary, or their Trustees.  
*Ibid.*
23. An Act for vesting the settled and unsettled Manors and Estates of *Charles Vere Spencer*, an Infant, in the Counties of *Oxford* and *Denbigh*, in Trustees, in order to effect the Sale thereof, for the Payment of Incumbrances, and for other Purposes.  
*Ibid.*
24. An Act for empowering Trustees to sell certain Freehold, Copyhold, and Leasehold Estates in the County of *Norfolk*, settled under the Will of *Horatio* Earl of *Orford* deceased, and for laying out the Money arising therefrom in the Purchase of Lands to be settled to the same Uses; and for the other Purposes therein mentioned.  
*Ibid.*
25. An Act to authorize the making of Grants or Leases of Mines within and under Parts of the Lands belonging to the Perpetual Curacy of the Parish of *Wolverhampton* in the County of *Stafford*.  
543

26. An Act for vesting the Freehold and Leasehold Estates late belonging to *Richard Sparrow* of *Oakland* in the County of *Tipperary*, Esquire, deceased, in Trustees, to be sold for Payment of his Debts, and applying the Surplus for the Benefit of the Devises in the Will of the said Deceased named. Page 543
27. An Act for raising, on the Security of certain Estates in the County of *Wilts* whereof the Right Honourable *Thomas Earl Nelson* is Tenant in Tail, a Sum of Money for the Purpose of discharging the Sum of Ten thousand Pounds equitably charged thereon by *William Earl Nelson* deceased, in favour of his Daughter *Charlotte Mary Lady Bridport*; and for other Purposes. Ibid.

## PRIVATE ACTS,

NOT PRINTED.

28. AN Act for naturalizing *Salis Schwabe*.
29. An Act to dissolve the Marriage of *Charles Conyers* junior, Esquire, with *Margaret Conyers* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
30. An Act for naturalizing *Christian Allhusen*.
31. An Act for naturalizing *John Cortazzi*.
32. An Act for naturalizing *Paul Ferdinand Willert*.
33. An Act for naturalizing *Louis Magnus*.
34. An Act for naturalizing *Frederic Louis Miéville*.
35. An Act for naturalizing *Mendel Albrecht*.
36. An Act for naturalizing *David Meyer Loewe*.
37. An Act to dissolve the Marriage of Major *Hassell Richard Moor* with *Ann* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
38. An Act to dissolve the Marriage of the Reverend *William Thomas Blenkinsop*, a Chaplain in the Service of the *East India* Company on their *Madras* Establishment, with *Clara Jane* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
39. An Act for naturalizing *John Queriol Murat*.
40. An Act for naturalizing *Ludwig Steinthal*.
41. An Act for naturalizing *Emanuel Hallé*.
42. An Act for naturalizing *Gaspar Peter Elias* Baron de *Arabet*.
43. An Act for naturalizing *Jacques Louis Auguste Joseph Des Champs de la Tour*, commonly called *Auguste Des Champs de la Tour*, and his infant Son.
44. An Act for naturalizing *Agnes Hemilian de Tressan*.
45. An Act to dissolve the Marriage of *William Charles Lambert* Esquire with *Georgiana Charlotte* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.



46. An Act for naturalizing *Henry Christopher Bergman*.
  47. An Act for naturalizing *John Frederick Zoller*.
  48. An Act to dissolve the Marriage of *Charles Malpas* Esquire with *Isabella Bowness* his now Wife, and to enable him to marry again ; and for other Purposes therein mentioned.
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THE  
STATUTES AT LARGE.

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Anno Regni GULIELMI IV. Britanniarum Regis,  
Quinto.

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

C A P. I.

An Act to explain an Act of the First Year of His present  
Majesty, for the more effectual Administration of Justice in  
*England* and *Wales*, so far as relates to the Execution of  
Criminals in the County of *Chester*. [20th *March* 1835.]

‘ **W**HEREAS by an Act passed in the First Year of His  
‘ present Majesty, intituled *An Act for the more effectual* 1 W. 4. c. 70.  
‘ *Administration of Justice in England and Wales*, the Jurisdic-  
‘ tion, Power, and Authority of His Majesty’s Court of Session  
‘ of the County Palatine of *Chester*, and of the Judges thereof,  
‘ was abolished; and it was, among other Things, enacted, that  
‘ the Assizes should be held for the Trial and Despatch of all  
‘ Matters Criminal and Civil within the County of *Chester*, under  
‘ and by virtue of Commissions of Assize, Oyer and Terminer,  
‘ Gaol Delivery, and other Writs and Commissions to be issued  
‘ in like Manner and Form as had been usual for the Counties in  
‘ *England*, and that all Laws and Statutes then in force relating  
‘ to the Execution of such Commissions when issued for Counties  
‘ in *England* should extend and be applied to the Execution of  
‘ the Commissions issued for the County of *Chester* under the  
‘ Authority of that Act; and it was provided and enacted, that  
‘ nothing in that Act contained should be construed to abolish  
‘ or affect the Obligations and Duties or the Jurisdiction or  
‘ Rights then lawfully imposed upon, performed, or claimed and  
‘ exercised by the Mayor and Citizens of *Chester* in the Courts  
‘ of the County of the City of *Chester* or otherwise, save and  
‘ except that such Writs of Error or false Judgment as might  
‘ 5 & 6 GŪL. IV. B then

‘ then by any Charter or Usage of the said Corporation be brought  
 ‘ upon the Judgments of the said Courts, or any of them, before  
 ‘ any of the Courts abolished by that Act, should thereafter be  
 ‘ issued, as in other Cases, from inferior Courts, and be return-  
 ‘ able into His Majesty’s Court of King’s Bench: And whereas  
 ‘ before the passing of the said Act the Sheriffs of the County of  
 ‘ the City of *Chester* were by Law liable, and were used and  
 ‘ accustomed, to execute all Criminals convicted and condemned  
 ‘ to Death and ordered for Execution for Offences committed  
 ‘ within the County Palatine of *Chester*: And whereas since the  
 ‘ passing of the said Act the Sheriffs of the County of the City  
 ‘ of *Chester* have executed Criminals convicted for Offences com-  
 ‘ mitted within the County of *Chester*, and sentenced to Death  
 ‘ by virtue of Commissions issued under the Authority of the  
 ‘ said Act; but Doubts are entertained whether the Sentence of  
 ‘ Death pronounced on Criminals for Offences committed within  
 ‘ the County of *Chester* ought to be executed by the Sheriff of  
 ‘ the County or by the Sheriffs of the County of the City of  
 ‘ *Chester*:’ For the Removal therefore of such Doubts, and for  
 better effecting the Intention of the said Act, be it enacted by  
 the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That from and after the passing of this Act the Sheriffs of  
 the County of the City of *Chester* for the Time being shall execute  
 the Sentence of Death upon all Criminals condemned to die for  
 Offences committed within the County of *Chester*; and the Judges,  
 or any One of them, named in the Commissions of Oyer and  
 Terminer and Gaol Delivery issued or from Time to Time to be  
 issued for the County of *Chester*, shall have full Power and  
 Authority to make such Orders on the Constable of the Castle  
 of *Chester* for delivering such Criminals to the Sheriffs of the  
 County of the City of *Chester*, and on the said Sheriffs for the  
 Execution of such Criminals by the said Sheriffs, as such Judges  
 or Judge shall think fit; all which Orders the said Constable and  
 Sheriffs shall be and they are hereby required to obey according  
 to the Exigency thereof.

The Sheriffs of  
 the County of  
 the City of  
*Chester* to exe-  
 cute County  
 Criminals.

The Judge be-  
 fore whom any  
 Criminal shall  
 be convicted  
 may make an  
 Order upon the  
 Sheriff of the  
 County to exe-  
 cute such Cri-  
 minals in any  
 Place not within  
 his Jurisdiction.

II. Provided always, and be it enacted, That if at any Time it  
 shall seem fit to any Judge before whom any Criminal shall be  
 convicted and sentenced to die for any Offence committed within  
 the County of *Chester*, that such Criminal should be executed at  
 any Place not within the Jurisdiction of the Sheriffs of the City  
 of *Chester*, but within the County of *Chester*, it shall be lawful  
 for such Judge to make any Order which he may think fit upon  
 the Sheriff of the County of *Chester* to execute such Criminal at  
 such Place, and also upon the Constable of the Castle of *Chester*  
 to deliver such Criminal to the Sheriff of the County, and to do  
 and perform, and suffer to be done and performed, all such  
 Matters and Things as may be necessary for carrying into effect  
 and executing such Sentence; and the said Sheriff and Con-  
 stable shall be liable and are hereby required to obey all such  
 Orders.

## C A P. II.

An Act to amend an Act of the Thirty-eighth Year of King George the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act. [20th March 1835.]

WHEREAS by an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects*, certain Affidavits or Affirmations, containing such Matters and Things in the said Act specified and set forth, relating to Newspapers and other Papers in the said Act described, are required to be made and signed, and sworn or affirmed, and delivered to the Commissioners for managing His Majesty's Stamp Duties, or to some of their Officer or Officers as therein mentioned; and it is by the said Act, amongst other Things, also enacted, that in some Part of every Newspaper or other such Paper as aforesaid there shall be printed the true and real Name and Names, Addition and Additions, and Place and Places of Abode of the Printer and Printers and Publisher and Publishers of the same, and also a true Description of the Place where the same is printed: And whereas certain Penalties are by the said Act imposed for any Neglect or Omission to comply with the aforesaid Provisions; and it is by the said Act provided that the said Penalties respectively shall be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, and that the same when recovered shall be, as to one Moiety thereof, to and for the Use of His Majesty, His Heirs and Successors, and, as to the other Moiety thereof, to and for the Use of the Person who shall inform or sue for the same: And whereas the Printers, Publishers, and Proprietors of divers Newspapers have inadvertently neglected to comply with some of the aforesaid Provisions of the said recited Act, and many Actions, Suits, Informations, and Prosecutions have been brought and commenced against such Printers, Publishers, and Proprietors, or some of them, by Persons who sue, inform, and prosecute, as well on their own Behalf as on behalf of His Majesty, to recover various Penalties incurred or alleged to have been incurred under or by virtue of the said Act by reason of such Neglect; and it is expedient that all further Proceedings in such Actions, Suits, Informations, and Prosecutions should be prevented, and such other Provision made in relation thereto, and otherwise, as is herein-after mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

Persons sued before the passing of this Act for Penalties incurred under the recited Act, may apply to the Court or to a Judge to stay Proceedings, upon certain Conditions.

by the Authority of the same, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any Original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Act, except in the Cases herein-after provided, to apply to the Court in which such Original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of either of the Superior Courts at *Westminster*, for an Order that such Writ, Suit, Action, Bill, Complaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge is hereby authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued.

Where any Action commenced before 4th March 1835 has been renewed, the Court or Judge may make Order for discontinuing it upon Payment of Costs.

II. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Complaint, or Information sued out or commenced on or before the Fourth Day of *March* One thousand eight hundred and thirty-five shall have been renewed or continued before the passing of this Act, or upon which any Declaration shall have been filed or delivered, or other Proceeding had, after the said Fourth Day of *March* and before the passing of this Act, it shall be lawful for such Court or Judge, upon such Application and Proof as aforesaid, to make such Order as aforesaid for discontinuing the same, upon Payment of the Costs out of Pocket of all Proceedings had on or before the said Fourth Day of *March*, to be taxed as aforesaid, and of such Costs out of Pocket, if any, of any Proceedings had after the said Fourth Day of *March*, as the Court or Judge making such Order shall direct; and upon making such Order, and Payment or Tender of such Costs, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued.

Court may make Order for discontinuing certain Actions, &c.

III. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out or commenced at any Time subsequent to the said Fourth Day of *March*, it shall be competent for such Court or Judge as aforesaid to make such Order as aforesaid for discontinuing the same, without Payment of any Costs; and upon making such Order, such Writ, Suit, Action, Bill, Complaint, or Information shall be forthwith discontinued.

Not to extend to Actions in which Judgment has been obtained, &c.

IV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Complaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act, or to any Action, Bill, Complaint, or Information which shall have been or shall be commenced, prosecuted, entered, or filed  
by

by or in the Name of His Majesty's Attorney General or Solicitor General for and on behalf of His said Majesty.

V. And be it enacted, That from and after the passing of this Act all Fines, Penalties, and Forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the Use of His Majesty, His Heirs and Successors, and may be sued or prosecuted for in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Exchequer in *Scotland*, as the Case may arise in *England* or *Scotland* respectively, wherein no Essoign, Privilege, Protection, Wager of Law, or more than One Imparance shall be allowed; any thing in the said recited Act or in any other Act contained to the contrary thereof notwithstanding.

VI. Provided always, and be it enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill, Complaint, or Information in any of His Majesty's Courts, or before any Justice or Justices of the Peace, against any Person or Persons for the Recovery of any Fine, Penalty, or Forfeiture made or incurred or which may be incurred by virtue of the said recited Act, unless the same be commenced, prosecuted, entered, or filed in the Name of His Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or His Majesty's Advocate for *Scotland* (as the Case may be respectively), or in the Name of the Solicitor of Stamps and Taxes, or some other Officer of His Majesty's Stamp Duties in *England* or *Scotland* respectively; and if any Action, Bill, Complaint, or Information shall be commenced, prosecuted, entered, or filed in the Name or Names of any other Person or Persons than is or are in that Behalf before mentioned, the same and every Proceeding thereupon had are hereby declared and the same shall be null and void to all Intents and Purposes.

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

Penalties incurred under said Act to go wholly to His Majesty.

No Actions for Penalties to be commenced except in the Name of the Attorney or Solicitor General in *England*, of the King's Advocate in *Scotland*, or of the Solicitor or Officer of Stamps.

Act may be repealed, &c. this Session.

### C A P. III.

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

[20th March 1835.]

“ There shall be applied, for the Service of the Year 1835, 2,000,000*l.* now in the Exchequer; also any Sums paid into the Exchequer in respect of Exchequer Bills issued for Public Works and Fisheries; also 60,000*l.* to be paid by the *East India* Company; and any Balance paid in by the Bank of *England* on or before the Fifth of *April* One thousand eight hundred and thirty-six pursuant to 56 *G. 3. c. 97.*; provided that if at any Time the Balance shall be reduced to less than 100,000*l.* then so much of the Monies advanced by the Bank as shall be equal to the Sum by which the said Balance shall be less than 100,000*l.* shall be repaid.”

## C A P. IV.

An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five. [20th March 1835.]

## C A P. V.

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

[13th April 1835.]

[*Number of Forces, 81,271. This Act is the same, except as to Dates, and the Parts here inserted, as 4 & 5 W. 4. c. 6.*]

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*, *Africa*, and *New South Wales*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

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

In tampering with his Eyes :

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or 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 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 ;



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

XXII. 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, then for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison, or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and pro-

Apprehension  
of Deserters.

ceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: Provided also, that the Fee or Reward taken by any Justice or his Clerk, in respect of any Information, Commitment, or Report as aforesaid, shall in no Case exceed the Sum of Two Shillings.

Custody and  
Subsistence of  
Deserters.

XXVIII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of His Majesty's Dominions shall diet and supply every Soldier with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by His Majesty's Regulations.

Enlisting and  
swearing of  
Recruits.

XXXIV. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down, in Writing, the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Soldier in His Majesty's Land Service he shall within Four Days, any intervening *Sunday* not included, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare

his

his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India Company*, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

XXXVI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in His 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 was 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 His 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 His Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity

Offences connected with Enlistment.

Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His 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 His Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into His 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 late Majesty, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's 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 any Man having been enrolled to serve in the Militia at the Time of offering to enlist 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 Declaration 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

7 &amp; 8 G. 4. c. 29.

9 G. 4. c. 55.

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 His 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 His 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.

XLV. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; provided that any Soldier acquitted of the Offence for which he was committed shall, upon Return to his Duty in his Corps be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining His Majesty's Service from being a Prisoner of War, due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to His Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for His Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay.

LXI. And be it enacted, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to His Majesty, or employed in His Service, when conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall be exempted from Payment of any Duties

Tolls.

Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and any Toll Collector who shall demand and receive Toll from any of His Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace, and in no other Way; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

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

LXIII. 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 Officer or Soldier in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants 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 of such Person in which he 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 His 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, Vic-tualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

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 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 other Regiment, or to the Marines, Ordnance, or Navy?
13. Have you ever served in the Army, Marines, Ordnance, or Navy?

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.

*Enlisting for limited Service.*

The preceding Questions to be put by the Justice, except Question 8, which is to be as follows:

8. Are you willing to be attested to serve in the Regiment of \_\_\_\_\_ for the Period of [this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,] Years, provided His Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of His Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [Seven, Ten, or Twelve, as the Case may be,] Years?

*Enlisting*

*Enlisting for either His Majesty's or the East India Company's Service.*

Question 8 is to be put by the Justice as follows :

8. Are you willing to be attested to serve in His Majesty's Army, or in the Forces of the *East India* Company, according as His Majesty shall think fit to order, until you shall be duly and legally discharged ?

*Enlisting for the East India Company's Service.*

Question 8 to be put by the Justice as follows :

8. Are you willing to be attested to serve the *East India* Company until you shall be legally discharged ? [Or if the Recruit enlists for limited Service then insert, for the Period of Twelve Years, [if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years.] provided the said United Company should so long require your Service ?

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me ; that the Answers thereto have been read over to me ; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand

\_\_\_\_\_  
Signature of Recruit.

\_\_\_\_\_  
Witness present.

Sworn before me at  
this Day of  
One thousand eight hundred and  
Signature of Justice \_\_\_\_\_

*If enlisting for either His Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath.*

And that if His Majesty, His Heirs or Successors, shall please to appoint me to serve in the Forces of the *East India* Company, then I swear, that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.



*If enlisting for the East India Company's Service, the following is to be added to the Oath.*

And that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

### C A P. VI.

An Act to indemnify the Governor General and other Persons in respect of certain Acts done in the Administration of the Government of the *British Territories in the East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid. [13th *April* 1835.]

‘ **W**HEREAS under and by virtue of an Act of Parliament  
 ‘ made and passed in the Fourth Year of the Reign of His  
 ‘ present Majesty, intituled *An Act for effecting an Arrangement* 3 & 4 W. 4. c. 85.  
 ‘ *with the East India Company, and for the better Government of*  
 ‘ *His Majesty's Indian Territories, till the Thirtieth Day of April*  
 ‘ *One thousand eight hundred and fifty-four*, the Superintendence,  
 ‘ Direction, and Control of the whole Civil and Military Govern-  
 ‘ ment of all the *British Territories* and Revenues in *India* is  
 ‘ vested in a Governor General and Councillors, styled “The  
 ‘ Governor General of *India* in Council”; and it is thereby  
 ‘ enacted that there shall be Four Ordinary Members of the said  
 ‘ Council, to be appointed by the Court of Directors of the said  
 ‘ Company, as therein mentioned; and it is thereby enacted that  
 ‘ the Person who should be Governor General of the Presidency  
 ‘ of *Fort William* in *Bengal* on the Twenty-second Day of *April*  
 ‘ One thousand eight hundred and thirty-four should be the First  
 ‘ Governor General of *India* under that Act, and that such Per-  
 ‘ sons as should be Members of Council of the same Presidency  
 ‘ on that Day should be respectively Members of the Council  
 ‘ constituted by that Act; and it is also enacted that the said  
 ‘ Council shall from Time to Time assemble at such Place or  
 ‘ Places as shall be appointed by the said Governor General in  
 ‘ Council within the said Territories; and various Provisions are  
 ‘ made for the Administration of the Government of the said  
 ‘ Territories, all of which it is thereby enacted shall commence  
 ‘ and take effect from and after the Twenty-second Day of *April*  
 ‘ then next, (that is to say,) from and after the Twenty-second  
 ‘ Day of *April* One thousand eight hundred and thirty-four:  
 ‘ And whereas by a Commission under the Seal of the Honorable  
 ‘ the *East India Company*, bearing Date the Twenty-seventh Day  
 ‘ of *December* One thousand eight hundred and thirty-three, duly  
 ‘ issued by Order of the Court of Directors of the said Company  
 ‘ in that Behalf, the said Court did appoint Lord *William Caven-*  
 ‘ *dish Bentinck* to be Governor General of *India*, to take upon  
 ‘ himself the said Office upon and from the Twenty-second Day  
 ‘ of *April* One thousand eight hundred and thirty-four, and did  
 ‘ further appoint *William Blunt* Esquire, *Alexander Ross* Esquire,  
 ‘ *William Byam Martin* Esquire, and *Thomas Babington Macaulay*  
 ‘ Esquire, to be respectively the First, Second, Third, and Fourth  
 ‘ Ordinary

Ordinary Members of the said Council; and by another Commission bearing the same Date the said Court did appoint Sir *Charles Theophilus Metcalfe* Baronet to be Governor of the Presidency of *Agra*, which Presidency is by the said recited Act directed to be constituted, to take upon himself the said Office upon and from the said Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas under and by virtue of the former Appointments of the Court of Directors of the said Company at the Time of issuing the said Commissions, and from thence until the Twenty-second of *April* One thousand eight hundred and thirty-four, the said Lord *William Cavendish Bentinck* was Governor of the Presidency of *Fort William* in *Bengal*, and the said Sir *Charles Theophilus Metcalfe* and the said *William Blunt* and *Alexander Ross* were respectively Members of the Council of the said Presidency, and in virtue of the Provisions of former Acts the said Sir *Charles Theophilus Metcalfe* was also Vice President of the said Council: And whereas on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the said Lord *William Cavendish Bentinck* was, in consequence of Ill-health, at *Ootacamund* in the Presidency of *Madras*, and the said Sir *Charles Theophilus Metcalfe* and the aforesaid *William Blunt* were at *Calcutta*, and the said *Alexander Ross*, *William Byam Martin*, and *Thomas Babington Macaulay* were not in the *East Indies*, and Lieutenant Colonel *William Morrison*, who had been appointed by the said Court a Provisional Councillor of *India*, was in *Mysore*; and for these and other Reasons the Government of the said Presidency and other the Territories belonging to the *East India* Company in *India* was administered for a Time otherwise than in accordance with the said recited Act; and it is expedient that the said Lord *William Cavendish Bentinck*, and Sir *Charles Theophilus Metcalfe* and *William Blunt*, and all other Persons by whom the said Government was so administered, and all Persons acting under the Order of them or of any or either of them, should be indemnified in manner hereinafter mentioned, and their Acts rendered valid: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Lord *William Cavendish Bentinck*, Sir *Charles Theophilus Metcalfe*, and *William Blunt*, and also the several Persons who at any Time after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four were or acted as Members of the Council of *India*, and also all Persons acting under the Authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all Actions, Suits, Prosecutions, and Penalties whatsoever, for or on account or in respect of all or any Acts, Matters, and Things whatsoever done, ordered, directed, or authorized by the said Governor General and Vice President and Members of Council, or any or either of them, or by any Person or Persons acting under the Authority of them or of any or either of them; so only and provided that such Acts, Matters, and Things shall have been done, ordered,

Governor General, Vice President, and Members of Council in *India*, &c. indemnified for all Acts done by them between 22d *April* 1834 and 1st *January* 1835;

directed, or authorized *bonâ fide* in the Exercise of the Administration of the Government of the *British Territories* in the *East Indies*, between the said Twenty-second Day of *April* One thousand eight hundred and thirty-four and the First Day of *January* One thousand eight hundred and thirty-five.

II. And be it further enacted and declared, That all such Acts, Matters, and Things shall be as valid and effectual, and shall be and be deemed to be of as much Force, Validity, and Effect, as if the same had been expressly authorized by the said recited Act. and such Acts to be valid.

### C A P. VII.

An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. [13th April 1835.]

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

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda, Africa, and New South Wales* excepted,) or in the Settlements of the *East India Company*, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or out of the King's Dominions (excepting *Africa* and *New South Wales*) shall have not less than Seven, and in *Africa* and *New South Wales* 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.

IX. And whereas it may be expedient in many Cases that Officers of the Land Forces should be associated with Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces; and the Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service. Officers of the Marine and Land Forces may sit in conjunction on 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, Africa, and New South Wales*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, although assembled under the Authority of an Act of the present Session of Parliament, for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any District or Garrison Courts-martial.

5 & 6 GUL. IV. C Offence

Offence committed by any of them while serving in conjunction with His Majesty's Land Forces, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital while under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or 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 Divisional or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor when issued in Kind or of his Allowance in lieu of Beer or Liquor, or of additional Pay, or of such Portion of his daily Pay, for any Period not exceeding Two Years, as may accord with the Rules and Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XIV. And be it enacted, That every Marine convicted of Desertion by any Court-martial, or of Felony in any Court of Criminal Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award; and it shall be lawful for any General Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left

Marking a  
Deserter.

Side, Two Inches below the Arm Pit, with the Letter D, such Letter not to be less than Half an Inch long, and to be marked on the Skin, with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.<sup>1</sup>

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

Witnesses.

XXIV. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same, according to the Length thereof; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Report of Proceedings of Courts-martial.

XXV. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from

Subsequent Enlistment no Protection from Punishment for Desertion.

any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence upon his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

Enlisting and  
swearing of  
Recruits.

XXXIII. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Marine, he shall, within Four Days, any intervening *Sunday* not included, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the Third, Fourth, and Fifth Articles of the Second Section of the Articles of War against Mutiny, and the First Article of the Third Section of the said Articles of War against Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed 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

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.

XLIV. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Marching  
Money on  
Discharge.

XLIX. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Carriages and Horses when employed in conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, and who by this Act is exempted from Payment thereof, such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Exemption  
from Tolls.

L. And 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

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

such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by His Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

## C A P. VIII.

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. [12th June 1835.]

[See Cap. 62, by which this Act is repealed.]

## C A P. IX.

An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five. [17th June 1835.]

## C A P. X.

An Act to allow, until the Twenty-eighth Day of July One thousand eight hundred and thirty-five, the Importation of certain Articles, Duty-free, into the Island of *Dominica*, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty-free.

[3d July 1835.]

' **W**HEREAS the Island of *Dominica* in the *West Indies* has recently been visited with a most violent and destructive Hurricane, whereby the Inhabitants of that Island have experienced very great Distress, in consequence of which it is deemed expedient to permit for a limited Time the Importation into that Island, in Vessels of all Nations, of Lumber, Shingles, Flour, Beef, Pork, and Fish, Duty-free: ' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,



in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act Lumber, Shingles, Flour, Beef, and Pork shall and may be imported into the said Island Duty-free until the Twenty-eighth Day of *July* One thousand eight hundred and thirty-five; and that all Fish which may have been imported Duty-free under any Proclamation of the Governor of the said Island is hereby declared to be free of Duty accordingly.

Lumber, &c. may be imported Duty-free into the Island until 28th July 1835.

II. And be it further enacted, That the Governor of the said Island, and the Collector and other Officers of the Customs in the said Island, and all Persons whatever acting or having acted under their Orders and Directions, shall be and are hereby indemnified for any Orders which they may have respectively given upon or after the Days on which the Hurricane in the said Island took place, by reason of which any Duty that was then legally due and payable on the Importation into that Island of Lumber, Shingles, Flour, Beef, Pork, and Fish ceased to be levied and collected, and for any Omission on their Parts to cause such Duty to be levied and collected since such Days.

Governor and Collector, &c. of the Customs indemnified.

III. And be it further enacted, That it shall be lawful for His Majesty, by Order in Council, to continue in force the Provisions of this Act until the First Day of *March* One thousand eight hundred and thirty-six.

Act may be continued by Order in Council.

### C A P. XI.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

[3d July 1835.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 4 & 5 W. 4. c. 9.*]

VII. And be it enacted, That in case the Attorney, Solicitor, Proctor, or Notary to whom any Person shall have duly served his Clerkship under Articles in Writing for that Purpose shall after such Service of the Clerk be struck off the Roll in consequence of some Defect in the Service under the Articles of Clerkship or of the Admission and Enrolment of such Attorney, Solicitor, Proctor, or Notary, the Person who has so duly served his Clerkship shall not be prevented or disqualified from being admitted and enrolled as an Attorney, Solicitor, Proctor, or Notary, nor liable to be struck off the Roll, if admitted, by reason of any such Defect as aforesaid, provided that such Clerk or

Defects in the Service, &c. of Attornies not to disqualify Persons who have served them.

Person be otherwise entitled to be admitted and enrolled according to the Laws now in force relating thereto.

Applications for striking Attornies off the Roll for Defect in Articles, &c. to be made within 12 Months of Admission.

VIII. And be it further enacted, That no Person who has been admitted and enrolled and in actual Practice as an Attorney, Solicitor, Proctor, or Notary shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or the Registry thereof, or the Service under such Articles, or of his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment, provided that such Articles, Registration, Service, Admission, or Enrolment be without Fraud.

### C A P. XII.

An Act for continuing to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five. [3d *July* 1835.]

“ Duties on Sugar and Molasses imposed by 1 *W.* 4. c. 50. continued until *July* 1836.—§ 1. Powers of recited Act extended to this Act. § 2. Separate Accounts to be kept in the Office of the Controller General of the Exchequer of the Duties arising in *Great Britain*. Monies arising in *Ireland* to be paid into the Exchequer there. § 3. The Treasury may direct Exchequer Bills to be made out not exceeding 3,000,000*l.*—§ 4. Powers of 48 *G.* 3. c. 1. extended to this Act. § 5. Exchequer Bills to bear an Interest not exceeding 4 *per Cent. per Annum*. § 6. Bank of *England* may advance Money on the Credit of this Act, notwithstanding 5 & 6 *W. & M.* c. 20.—§ 7. Bills to be delivered to the Bank of *England*, as Security for the Advances. § 8. Exchequer Bills to be charged on the Duties granted by this Act. § 9. Money due on Exchequer Bills to be paid out of the next Aids. § 10. Surplus Monies to be carried to Consolidated Fund. § 11. The Treasury to allow the necessary Charges of making forth new Exchequer Bills. § 12. Money issued to be replaced out of the first Supplies. § 13. Act may be altered this Session. § 14.”

### C A P. XIII.

An Act to regulate the Importation of Corn into the *Isle of Man*. [3d *July* 1835.]

9 *G.* 4. c. 60.

‘ **W**HEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act to amend the Laws relating to the Importation of Corn*, whereby certain Duties, as set forth in a Table annexed to the said Act, are made payable in the United Kingdom upon the Importation of Corn, Grain, Meal, and Flour, but which Duties are not payable in the *Isle of Man*: And whereas the Surplus Productions of the *Isle of Man* are nevertheless admissible, under the Laws now in force, into the United Kingdom, without Payment of any Duties: And whereas the Inhabitants

‘ bitants of the *Isle of Man* do not stand in need of any Supplies  
 ‘ of Foreign Corn for their Consumption, and therefore it is  
 ‘ necessary, for the better Enforcement of the said Act with  
 ‘ regard to the Importation of Corn into the United Kingdom, to  
 ‘ make new Provisions for regulating the Importation of Corn  
 ‘ into the *Isle of Man*.’ Be it therefore enacted by the King’s  
 most Excellent Majesty, by and with the Advice and Consent of  
 the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, That  
 from and after the passing of this Act it shall not be lawful to  
 import into the *Isle of Man* any Foreign Corn, Grain, Meal, or  
 Flour, except upon Payment of the same Duties as are by the  
 said Act made payable on the Importation into the United King-  
 dom of Corn, Grain, Meal, or Flour.

All Foreign  
 Corn to be sub-  
 ject to the same  
 Duties in the  
 Isle of Man as  
 in the United  
 Kingdom.

II. ‘ And whereas in and by the said Act it is provided that a  
 ‘ certain Certificate of the aggregate Average Prices of Corn  
 ‘ shall be transmitted to the Collector or other chief Officer of  
 ‘ the Customs at each of the several Ports of the United King-  
 ‘ dom;’ be it further enacted, That the said Certificate shall in  
 like Manner be transmitted to the Collector or other chief Officer  
 of the Customs at the Port of *Douglas* in the *Isle of Man*; and  
 that the Duties payable as aforesaid in the *Isle of Man* shall be  
 ascertained from Time to Time by the Prices set forth in such  
 Certificate, in like Manner as the same are ascertained in the  
 United Kingdom.

Certificate of  
 Average Prices  
 to be trans-  
 mitted.

III. And be it further enacted, That the Duties imposed by  
 this Act shall be raised, levied, collected, and paid unto His  
 Majesty in like Manner as if the same had been imposed by an  
 Act passed in the Third and Fourth Years of His Majesty’s  
 Reign, intituled *An Act for regulating the Trade of the Isle of*  
*Man.* †

How Duties are  
 to be collected.

3 & 4 W. 4. c. 60.

#### C A P. XIV.

An Act to continue to the Thirty-first Day of *December* One  
 thousand eight hundred and thirty-six, and from thence to  
 the End of the then next Session of Parliament, an Act  
 of the Tenth Year of His late Majesty’s Reign, for pro-  
 viding for the Government of His Majesty’s Settlements in  
*Western Australia* on the Western Coast of *New Holland*.

[3d July 1835.]

“ 10 G. 4. c. 22. continued until 31st *December* 1836, and until  
 “ End of then next Session of Parliament. § 1.”

#### C A P. XV.

An Act to continue until the Thirty-first Day of *May* One  
 thousand eight hundred and thirty-eight, and to the End  
 of the then next Session of Parliament, the Allowances of  
 the Duty of Excise on Soap used in certain Manufactures.

3 & 4 W. 4. c. 16.

[21st July 1835.]

## C A P. XVI.

An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in *Ireland*. [30th July 1835.]

‘ WHEREAS it is expedient to amend the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in *Ireland* ;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Marshal of the Marshalsea of the Four Courts Prison shall keep a Register of the Names of all Persons committed by the Courts of Equity for Contempts, stating the Dates and the Grounds of their several Commitments, and the Dates of their respective Discharges, and shall, on the Twentieth Day of *January*, the Twentieth Day of *April*, the Twentieth Day of *July*, and the Twentieth Day of *October* in every Year, make a Report to the Lord Chancellor of the Names and Descriptions of such Prisoners in his Custody on each of such Days respectively, with the Causes and Dates of their respective Commitments.

Marshal of the Four Courts Prison to keep a Register of Persons committed for Contempts, and report Four Times a Year to the Lord Chancellor.

Manner of proceeding in case of Persons not appearing within the usual Time after Subpœna or other Process has been issued.

II. ‘ And whereas sometimes Persons have withdrawn themselves beyond the Seas, or otherwise absconded, to avoid appearing in Courts of Equity, or being served with Process for that Purpose, or, being brought into Court by Habeas Corpus, have refused to appear ;’ for Remedy of the Inconvenience thence ensuing, be it further enacted, That if in any Suit, not being for the Foreclosure of a Mortgage, which hath been or hereafter shall be commenced in any Court of Equity, any Defendant against whom any Subpœna or other Process shall issue shall not cause his Appearance to be entered upon such Process within such Time and in such Manner as according to the Rules of the Court the same ought to have been entered in case such Process had been duly served, and an Affidavit or Affidavits shall be made to the Satisfaction of such Court that such Defendant is beyond the Seas, or that upon Inquiry at his usual Place of Abode he could not be found so as to be served with such Process, and that there is just Ground to believe that such Defendant is gone out of the Realm, or has otherwise absconded to avoid being served with the Process of such Court, then and in such Case the Court out of which such Process issued may make an Order directing and appointing such Defendant to appear at a certain Day therein to be named ; and a Copy of such Order shall, within Fourteen Days after such Order made, be inserted in the *Dublin Gazette*, and published on some Lord’s Day immediately after Divine Service in the Parish Church where such Defendant made his usual Abode within Thirty Days next before such his absention, and also a Copy of such Order shall within the Time aforesaid be posted up in some public Place at the *Royal Exchange* in *Dublin* ; and if the Defendant do not appear within the Time limited by such Order, or within such further Time as the Court shall appoint, then, on Proof made of such Publication of such Order as aforesaid, the Court, being

satisfied

satisfied of the Truth thereof, may order the Plaintiff's Bill to be taken *pro Confesso*, and make such Decree thereupon as shall be thought just, and may thereupon issue Process to compel the Performance of such Decree, either by an immediate Sequestration of the Real and Personal Estate and Effects of the Party so absenting (if any such can be found), or such Part thereof as may be sufficient to satisfy the Demands of the Plaintiff in the said Suit, or by causing Possession of the Estate or Effects demanded by the Bill to be delivered to the Plaintiff, or otherwise, as the Nature of the Case shall require; and the said Court may likewise order such Plaintiff to be paid and satisfied his Demands out of the Estate or Effects so sequestered, according to the true Intent and Meaning of such Decree, such Plaintiff first giving sufficient Security in such Sum as the Court shall think proper to abide such Order touching the Restitution of such Estate or Effects as the Court shall think proper to make concerning the same upon the Defendant's Appearance to defend such Suit, and paying such Costs to the Plaintiff as the Court shall order; but in case such Plaintiff shall refuse or neglect to give such Security as aforesaid, then the said Court shall order the Estate or Effects so sequestered, or whereof the Possession shall be decreed to be delivered, to remain under the Direction of the Court, either by appointing a Receiver thereof, or otherwise, as to such Court shall seem meet, until the Appearance of the Defendant to defend such Suit, and his paying such Costs to the Plaintiff as the said Court shall think reasonable, or until such Order shall be made therein as the Court shall think just.

III. Provided always, and be it further enacted, That if any Person against whom any Decree shall be made upon Refusal or Neglect to enter his Appearance, or appoint a Clerk in Court or Attorney to act on his Behalf, shall be in Custody or forthcoming, so that he may be served with a Copy of such Decree, then he shall be served with a Copy thereof before any Process shall be taken out to compel the Performance thereof.

IV. Provided also, and be it further enacted, That if any Decree shall be made in pursuance of this Act against any Person being out of the Realm, or absconding in manner aforesaid, at the Time such Decree is pronounced, and such Person shall within Seven Years after the making such Decree return or become publicly visible, then and in such Case he shall likewise be served with a Copy of such Decree within a reasonable Time after his Return or public Appearance shall be known to the Plaintiff; and in case any Defendant against whom such Decree shall be made shall within Seven Years after the making such Decree happen to die before his or her Return into this Realm, or appearing openly as aforesaid, or shall within the Time last before mentioned die in Custody before his or her being served with a Copy of such Decree, then his or her Heir, if such Defendant shall have any Real Estate sequestered, or whereof Possession shall have been delivered to the Plaintiff, and such Heir may be found, or if such Heir shall be a Feme Covert, Infant, or *non compos mentis*, the Husband, Guardian, or Committee of such Heir respectively, or if the Personal Estate of such Defendant be sequestered, or Possession thereof delivered to the Plaintiff,

Persons in Custody so neglecting to be served with a Copy of the Decree.

Persons out of the Realm affected by such Decrees, if they return within Seven Years, to be served with a Copy, or, in case of Death, their Heirs, &c.

then

then his Executor or Administrator (if any such there be), may and shall be served with a Copy of such Decree within a reasonable Time after it shall be known to the Plaintiff that the Defendant is dead, and who is his Heir, Executor, or Administrator, or where he may be served therewith.

Persons not petitioning a Rehearing within Six Months, Decree confirmed.

V. Provided always, and be it further enacted, That if any Person so served with a Copy of such Decree shall not within Six Months after such Service appear and petition to have the said Cause reheard, such Decree so made as aforesaid shall stand absolutely confirmed against the Person so served with a Copy thereof, his Heirs, Executors, and Administrators, and all Persons claiming or to claim by, from, or under him or any of them by virtue of any Act done or to be done subsequent to the Commencement of any Suit.

Persons petitioning a Rehearing within Seven Years, and giving Security for Costs, admitted to answer, and the Cause to be heard again.

VI. Provided always, and be it further enacted, That if any Person so served with a Copy of such Decree shall within Six Months after such Service, or if any Person not being so served shall within Seven Years next after the making such Decree, appear in Court and petition to be heard with respect to the Matter of such Decree, and shall pay down or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, the Person so petitioning, or his Representatives, or any Person claiming under him by virtue of any Act done before the Commencement of the Suit, may be admitted to answer the Bill exhibited, and Issue may be joined, and Witnesses on both Sides examined, and such other Proceedings, Decree, and Execution may be had thereon, as there might have been in case the same Party had originally appeared, and the Proceedings had then been newly begun, or as if no former Decree or Proceedings had been in the same Cause.

Persons not appearing within Seven Years, and making such Petition, to be absolutely barred.

VII. Provided always, and be it further enacted, That if any Person against whom such Decree shall be made, his Heirs, Executors, or Administrators, shall not within Seven Years next after the making of such Decree appear and petition to have the Cause reheard, and pay down or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, such Decree made as aforesaid shall stand absolutely confirmed against the Person against whom such Decree shall be made, his Heirs, Executors, and Administrators, and against all Persons claiming or to claim by, from, or under him, or any of them, by virtue of any Act done or to be done subsequent to the Commencement of such Suit; and at the End of such Seven Years it shall and may be lawful for the Court to make such further Order as shall be just and reasonable, according to the Circumstances of the Case.

Not to affect Persons beyond the Seas, unless in certain Cases.

VIII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to warrant or make good any Proceeding against any Person beyond the Seas, unless it shall appear to the Satisfaction of the Court by Affidavit or Affidavits, before the making of such Decree, that such Person had been in *Ireland* within Two Years next before the Subpœna in such Suit issued against such Person.

Appearances may be put in for Defendants

IX. And whereas in many Cases Persons having Privilege of Parliament are named as Defendants in Suits instituted in Courts

‘ Courts of Equity against them, either alone or jointly with other  
 ‘ Persons, for enforcing against them Demands and Duties cog-  
 ‘ nizable in Courts of Equity, and in some Cases such Defendants  
 ‘ having Privileges of Parliament have stood out to the Return of  
 ‘ Process of Sequestration issued against them for enforcing Ap-  
 ‘ pearance, and such Process of Sequestration hath not been  
 ‘ found sufficient to enforce such Appearance;’ be it therefore  
 enacted, That from and after the passing of this Act, in case  
 any Defendant having Privilege of Parliament shall, upon a  
 Return of Process of Sequestration issued against him for not  
 putting in an Appearance to any original or other Bill of Com-  
 plaint instituted against him in a Court of Equity for enforcing  
 Discovery and Relief, or Discovery alone, (as the Case may be,)  
 neglect to appear, that then and in such Case such Court, upon  
 producing the Return of such Sequestration in Court, may, on  
 the Motion or other Application of the Plaintiff in such Cause,  
 appoint a Clerk in Court to enter an Appearance for such De-  
 fendant so having Privilege of Parliament, and such Proceedings  
 may be thereupon had in the Cause as if the Party had actually  
 appeared.

having Privilege  
 of Parliament  
 in Courts of  
 Equity, on  
 Return of  
 Process of Se-  
 questration.

X. ‘ And whereas in many Cases it is necessary, on the Part  
 ‘ of the Persons having legal Rights against Persons having  
 ‘ Privilege of Parliament, to proceed by Bill in Equity against  
 ‘ such Persons so having Privilege of Parliament, to obtain from  
 ‘ them Discovery on Oath of Facts intended to be used or given  
 ‘ in Evidence in Courts of Law against the Persons making such  
 ‘ Discovery; and in Cases where such Persons having such Pri-  
 ‘ vilege as aforesaid shall stand out Process of Contempt, Parties  
 ‘ entitled to such Discovery against them have not sufficient  
 ‘ Means of compelling or obtaining the same in all Cases;’ be it  
 therefore enacted, That from and after the passing of this Act,  
 when any Defendant having Privilege of Parliament shall have  
 appeared to any Bill filed against him seeking a Discovery upon  
 Oath, or when an Appearance shall have been entered for such  
 Defendant according to the Provisions aforesaid, and such Person  
 shall refuse or neglect to put in his Answer to such Bill within  
 the Time for that Purpose allowed by the Rules and Orders of  
 such Court, that then it shall and may be lawful for the Plaintiff  
 in such Suit to apply to the Court for an Order that such Bill  
 shall be taken *pro Confesso* against such Defendant, and upon  
 such Application such Court of Equity shall make an Order that  
 such Bill shall be taken *pro Confesso*, unless the Defendant shall  
 within Eight Days after being served with such Order show good  
 Cause to the contrary.

In default of  
 Answer to Bill  
 in Equity  
 against Persons  
 having Privilege  
 of Parliament,  
 Bill shall be  
 taken *pro*  
*Confesso*.

XI. And be it further enacted, That when and so soon as any  
 such Order shall have been pronounced by any such Court of  
 Equity for taking such Bill *pro Confesso*, such Bill in Equity, or  
 an examined Copy thereof, so taken *pro Confesso*, shall be taken  
 and read in any Court of Law or Equity as Evidence of the Facts  
 and Matters and Things therein contained, in the same Manner as  
 if such Facts, Matters, and Things had been admitted to be true  
 by the Answer of the Defendant put in to such Bill; and such  
 Bill so taken *pro Confesso* shall be received and taken in Evidence  
 of such and the same Facts, and on behalf of such and so many  
 Persons,

Such Bill shall  
 be read in  
 Evidence as an  
 Answer admit-  
 ting the Facts.

Persons, as the Answer of the Defendant to the said Bill could and might have been read and received in Evidence of in case such Answer had been put in by the Defendant thereto, and had admitted the same Facts, Matters, and Circumstances as in such Bill stated and set forth; and in like Manner every other Bill of Discovery taken *pro Confesso*, under any of the Provisions of this Act, shall or may be taken and read as Evidence of the Facts and Matters and Things therein contained, to the Extent aforesaid.

Rules for the  
Court of  
Chancery.

XII, And for remedying the Practice of Courts of Equity in regard to Process of Contempt and the taking of Bills *pro Confesso*, be it further enacted, That the Rules and Regulations herein-after provided and contained shall be adopted by the High Court of Chancery in *Ireland*, and shall from henceforth become Orders and Rules of the said Court of Chancery, and be observed and enforced in and by the said Court; (that is to say,)

1. That where a Defendant is confined for a Misdemeanor, and has been brought before the Court upon an Habeas Corpus, and thereupon has been turned over to the said Marshalsea, *pro formd*, but has been carried back to the Prison from whence he came with his Cause, another Writ of Habeas Corpus may issue, directed to the Gaoler or Keeper of the Prison to which he has been carried back, and thereupon the Defendant shall be brought into Court, and remanded to the Prison from whence he came, with his Cause, without being turned over again to the said Marshalsea, and the Bill may be taken *pro Confesso* in the same Manner in all respects as if the Defendant had been all along in the Custody of the Marshal of the said Marshalsea.
2. That if the Defendant, under Process of Contempt for not appearing or not answering, be in actual Custody, and shall not have been sooner brought to the Bar of the Court under Process to answer his Contempt, the Plaintiff, if the Contempt be not sooner cleared, shall bring the Defendant by an Habeas Corpus to the Bar of the Court within Thirty Days from the Time of his being actually in Custody, or detained (being already in Custody) upon Process of Contempt, and if the last Day of such Thirty Days shall happen out of Term, then within the Four First Days of the ensuing Term; and where the Defendant is in Custody of the Serjeant at Arms or of the Messenger upon an Attachment or other Process the Plaintiff shall, within Ten Days after his being taken into such Custody, or if the last of such Ten Days shall happen out of Term, then within the first Four Days of the next ensuing Term, cause the Defendant to be brought to the Bar of the Court; and in case any such Defendant shall not be brought to the Bar of the Court within the respective Times aforesaid the Sheriff, Gaoler or Keeper, Serjeant at Arms or Messenger, in whose Custody he shall be, shall thereupon discharge him out of Custody without Payment by him of the Costs of Contempt, which shall be payable by the Party on whose Behalf the Process issued; and this Rule shall apply to every Defendant in Custody before and at the Time of passing of this Act who shall not have



have been brought to the Bar of the Court, but the Thirty Days allowed in the first above-mentioned Case and the Ten Days allowed in the second above-mentioned Case shall be reckoned from the first Day of the next Term.

3. That if a Defendant, upon being brought before the Court upon an Habeas Corpus, shall make Oath (which shall be administered to him by the Registrar, and he shall be examined in open Court,) that he is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court shall thereupon refer it to a Master in Rotation to inquire into the Truth of that Allegation, and to report thereon to the Court forthwith, and thereupon the Court may make such Order as upon other Reports of the like Nature under the Provisions herein-after contained.
4. That on the Thirtieth Day of *January*, the Thirtieth Day of *April*, the Thirtieth Day of *July*, and the Thirtieth Day of *October* in every Year, or if any of those Days happen on a *Sunday*, then on the following Day, One of the Masters of the Court of Chancery, to be named by the Court, shall visit the said Marshalsea Prison, and examine the Prisoners confined there for Contempt, and shall report his Opinion on their respective Cases to the Court; and thereupon it shall be lawful for the Court to order, if it shall see fit, that the Costs of the Contempt of any such Prisoner shall be paid out of the Interest and Dividends arising from the several Government or Parliamentary Securities standing in the Name of the Accountant General of the said Court of Chancery, intituled "Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," and "Account of Securities purchased with Surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery," or out of any Cash standing to either of such Accounts, or to any other Account which is now or hereafter may be standing to the Credit of the Suitors of the said Court of Chancery, (after and subject to the Payment of all Charges which by any Act heretofore passed are directed to be paid thereout,) and to assign a Solicitor and Counsel to such Prisoner, for putting in his Answer and defending him *in forma pauperis*, and to direct any such Prisoner, having previously done such Acts as the Court shall direct, to be discharged out of Custody; provided that if any such Defendant shall become entitled to any Funds out of such Cause, the same shall be applied, under the Direction of said Court, in the first instance, to the Reimbursement of the Suitors Fund.
5. That it shall be lawful for the Master visiting the said Marshalsea, or to whom the Case of a Prisoner shall be referred by the Court itself, to examine the Prisoner and all other Persons whom he may think it proper to examine upon Oath, and to administer an Oath or Oaths to any such Prisoner and other Persons accordingly, and to cause any Officers, Clerks, and Ministers of any Court of Law or Equity to

- to bring and produce upon Oath before him any Records, Orders, Books, Papers, or other Writings belonging to the said Courts or to any Officers within the same as such Officers.
6. That if it shall appear to the Satisfaction of the Court that any such Prisoner is an Idiot, Lunatic, or of unsound Mind, although no Commission has issued, the Court shall appoint a Guardian to put in his Answer, and discharge the Defendant, providing for the Costs in any of the Ways pointed out by this Act, as shall seem just; and if the Court shall see fit, the Defence may be made by such Guardian *in forma pauperis*.
  7. That where the Defendant has been brought to the Bar of the Court for his Contempt in not answering, and refuses or neglects to answer, (not being Idiot, Lunatic, or of unsound Mind,) the Court may, upon Motion or Petition, of which due Notice shall be given personally to the Defendant, authorize the Plaintiff to amend his Bill, without such Amendment operating as a Discharge of the Contempt, or rendering it necessary to proceed with the Process of Contempt *de novo*; but after such Amendment the Plaintiff may proceed to take the amended Bill *pro Confesso*, in the same Manner as if it had not been amended: Provided nevertheless, that if the Defendant shall be desirous to answer such amended Bill, the Court shall allow him such Time as shall seem just for that Purpose; but if he shall not within the Time allowed by the Court put in a sufficient Answer to the amended Bill, the Process for taking the Bill *pro Confesso* may be resumed and carried on.
  8. That in every Case where the Defendant has been brought to the Bar of the Court to answer his Contempt for not answering, and shall refuse or neglect to answer within the next Twenty-one Days, the Plaintiff shall be at liberty, with the Leave of the Court, upon Ten Days previous Notice to the Defendant, after the Expiration of such Twenty-one Days, unless good Cause be shown to the contrary, instead of proceeding to have the Bill taken *pro Confesso*, to put in such an Answer to the Bill as herein-after is mentioned, in the Name of the Defendant, without Oath or Signature, and thereupon the Suit shall proceed in the same Manner as if such Answer were really the Answer of the Defendant, with which the Plaintiff was satisfied, and the Costs of the Contempt and of putting in such Answer may be provided for in like Manner as if the Defendant himself had put in such Answer; and such Answer, besides the formal Parts thereof, shall be to the following Effect; that the Defendant leaves the Plaintiff to make such Proofs of the several Matters in the Bill alleged as he shall be able or be advised, and submits his Interests to the Court.
  9. That in any Case where, upon the Application of the Plaintiff, the Court shall be satisfied that Justice cannot be done to the Plaintiff without an Answer to the Bill or to the Interrogatories from the Defendant himself, it shall be lawful for the Court to order the Defendant to remain in Custody until Answer or further Order, but without Prejudice to the Plaintiff's

Plaintiff's availing himself of any of the Provisions of this Act.

10. That where the Defendant is in Contempt for not appearing or not answering, and in actual Custody under Process for such Contempt, or being already in Custody shall be detained by an Attachment for such Contempt, and shall not, where the Contempt is for not appearing, enter an Appearance within Twenty-one Days after he is lodged in Gaol or Prison, or the Attachment is lodged against him (he being already in Prison), as the Case may be, or, where the Contempt is for not answering, put in an Answer within Two Calendar Months after he is lodged in Gaol or Prison, or the Attachment is lodged against him, he being already in Prison, the Plaintiff shall (as the Case may be), within Fourteen Days after the Period computed from the Expiration of such Twenty-one Days within which he may by the Provisions of this Act be able to enter such Appearance, cause an Appearance to be entered for the Defendant under the Powers of this Act, and shall at the Expiration of such Two Calendar Months proceed to take the Bill *pro Confesso*, and shall accordingly obtain an Order for taking the same *pro Confesso* within Six Weeks after the Period computed from the Expiration of such Two Calendar Months within which he may be able to take the same *pro Confesso*; or in default of so doing in either of such Cases the Defendant shall, upon Application to the Court, be entitled to be discharged out of Custody without paying any of the Costs of the Contempt, unless the Court shall, under the Power herein-before contained, see good Cause to remand and detain the Defendant in Custody; and this Rule shall apply to every Defendant in Custody before and at the Time of the passing of this Act who shall not have entered his Appearance, and for whom an Appearance shall not have been entered, or shall not have answered the Bill, and the Bill shall not have been taken *pro Confesso*, but the Twenty-one Days and Two Calendar Months respectively to be reckoned from the First Day of next Term, and the other Periods to be altered accordingly in Computation; but nothing in this Act shall prevent any Plaintiff from proceeding to take his Bill *pro Confesso*, according to the Practice existing before the passing of this Act, without Prejudice to the Right of the Defendant to be discharged if not effected within the Time herein-before limited.
11. That where a Defendant is in Custody for a Contempt in not answering, and shall be able to put in his Answer without taking an Office Copy of the Bill, he shall not be compellable to take any such Copy, but the proper Officer may (if he think the Defendant is of sufficient Ability to pay for an Office Copy, and an Office Copy ought by the Practice of the Court to be taken out,) require him, before the Answer is filed, to make an Affidavit denying his Ability in consequence of Poverty to pay for an Office Copy of the Bill.
12. That when any Person shall have been directed by any Decree or Order to execute any Deed or other Instrument, or

make a Surrender or Transfer, and shall have refused or neglected to execute such Deed or Instrument, or to make such Surrender or Transfer, and shall have been committed to Prison under Process for such Contempt, or, being confined in Prison for any other Cause, shall have been charged with or detained under Process for such Contempt, and shall remain in such Prison, and the Court shall, under the Powers of an Act passed in the Fourth and Fifth Years of His present Majesty's Reign, have ordered one of the Masters to execute any Deed or other Instrument, Surrender or Transfer, for and in the Name of such Person, in every such Case, within Ten Days after the Execution or making of any such Deed or other Instrument, or Surrender or Transfer, Notice thereof shall be given by the adverse Solicitor to the Party in whose Name the same is executed or made; and such Party, as soon as the Deed or other Instrument, or Surrender or Transfer, shall be executed, made, levied, or suffered, shall be considered as having cleared his Contempt, except as far as regards the Payment of the Costs of the Contempt, and shall be entitled to be discharged therefrom under any of the Provisions of this Act applicable to his Case; and the Court shall make such Order as shall be just touching the Payment of the Costs of or attending any such Deed, Surrender, Instrument, or Transfer.

13. That where a Person shall be committed for a Contempt in not delivering to any Person or Persons, or depositing in Court or elsewhere, as by any Order may be directed, Books, Papers, or any other Articles or Things, any Sequestrator or Sequestrators appointed under any Commission of Sequestration shall have the same Power to seize and take such Books, Papers, Writings, or other Articles or Things, being in the Custody or Power of the Person against whom the Sequestration issues, as they would have over his own Property, and thereupon such Articles or Things so seized and taken shall be dealt with by the Court as shall be just; and after such Seizure it shall be lawful for the Court, upon the Application of the Prisoner, or of any other Person in the Cause or Matter, or upon any Report to be made in pursuance of this Act, to make such Order for the Discharge of the Prisoner, upon such Terms, and, if it shall see fit, making any Costs to be Costs in the Cause, as to the Court shall seem proper.
14. That in all Cases of Contempt other than and besides those already provided for, where any Person or Persons is or are or shall at any Time hereafter be in Prison under or by reason of any Commitment or Attachment, the Court may, upon any such Application as last aforesaid, or upon any such Report as aforesaid, make such Order for the Discharge of the Prisoner from the Contempt, upon any such Terms, and making, if the Court shall see fit, any Costs to be Costs in the Cause, as to the Court shall seem proper, or except as to the Costs, for which Costs the Prisoner shall remain in Custody, but entitled to the Provisions herein-after contained if he be insolvent.

15. That

15. That wherever the Court shall, upon any such Report as aforesaid, or upon Investigation of the Case of a Prisoner by the Court itself, be of opinion that the Purposes of Justice will not be answered by his remaining any longer in Custody, or where it shall appear upon any such Report as aforesaid that any Person committed for a Contempt shall be entitled to his Discharge upon applying to the Court, but shall omit to make such Application, the Court may, either with his Assent or compulsorily, discharge such Person from the Contempt and from Custody, and pay the Costs of the Contempt out of any Funds belonging to him over which the Court may have Power, or make them Costs in the Cause as against him, or may discharge him from the Contempt, but leave him in Custody for the Costs, which may be cleared, if he be insolvent, under the Provisions herein-after contained in that Behalf.
16. That where any Party obstinately retains Possession of Lands or other Real Property after a Writ of Execution of a Decree or an Order for Delivery of Possession has been duly served, and Demand of Possession made, and upon an Affidavit of such Service of the Writ of Execution, and of such Demand made thereunder, and a Refusal to comply therewith on the Part of the Person against whom the Writ issued, the Party issuing it shall be at liberty, upon an Affidavit of Service of the Writ of Execution, and Demand of Possession, and Refusal, to obtain the usual Order of Course for the Writ of Assistance to issue, and that the intermediate Writs of Attachment and Injunction, further commanding the Party to deliver Possession, or any other Writ, shall be unnecessary.
17. That in order to relieve Persons in Prison from the Expence of taking Affidavits or Answers, the Lord High Chancellor do, by One or more Commission or Commissions under the Great Seal, upon or in respect of which no Fee shall be payable, nominate and appoint the Marshal, Keeper, or other Chief Officer of every Prison within the City of *Dublin*, or within Two Miles thereof, and their Deputies, to be Masters Extraordinary of the High Court of Chancery, for the Purpose of taking and receiving such Affidavits and Answers as any Person or Persons within any such Prison shall be willing or desirous to make, and for no other Purpose; and the Person so taking such Affidavit or Answer shall not in respect thereof be entitled to receive any Fee; and the Court of Exchequer shall in like Manner appoint such Persons as aforesaid a Commissioner or Commissioners of the said Court for the Purposes aforesaid, and no others, and without the Right to any Fee; and in every Case of an Answer being sworn in Prison a Clerk of the Deputy Keeper of the Rolls or of the Filazer of the Exchequer (as the Case may require) shall attend to take and carry back to and from the Prison the Answer, and shall in respect thereof be entitled to .

XIII. And be it enacted, That the Discharge of any Prisoner adjudicated upon under the Authority of any Act now in force

Discharge may extend to Process for Con-

tempt in Non-payment of Money, and to Costs incurred by Creditor, but subject to Taxation.

for the Relief of Insolvent Debtors in *Ireland*, or any Act which may hereafter be passed for the Relief of Insolvent Debtors, shall and may extend to all Process issuing from any Court of Equity for any Contempt of such Court for Nonpayment of Rent or Money, or of Costs, Charges, or Expences in any such Court, including the Costs of any Commitment or Attachment from which the Party shall have been discharged so far as regards the Contempt, but shall have been left liable to the Costs; and that in such Case the said Discharge shall be deemed to extend to all Costs which such Prisoner shall be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Discharge, so adjudicated as aforesaid, as to any Debt or Damages of any Creditor of such Prisoner, shall be deemed to extend also to all Costs incurred by such Creditor, before the filing of such Prisoner's Schedule, in any Action or Suit brought by such Creditor against such Prisoner for the Purpose, for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences any such Person shall be so adjudged to be discharged, shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefits of all the Provisions made for Creditors by the said Act or any future 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 in the said last-mentioned Act or as shall be in any future Act provided in respect of all Claim to a Dividend of such Insolvent's Estate and Effects.

When Process of Contempt is for Nonperformance of an Act.

XIV. And be it further enacted, That where the Process of Contempt is for the Nonperformance of an Act, for example, the not answering a Plaintiff's Bill, and the Bill in Equity to which the Insolvent is a Party is taken *pro Confesso*, and he has not paid the Costs of the Contempt, or the Insolvent has fully answered the Plaintiff's Bill or Interrogatories, or otherwise cleared his Contempt except as far as regards the Payment of the Costs, or it has become in event unnecessary for him to do the Act for the Nonperformance of which he was committed or attached, the Court of Equity in which the Suit is depending shall, upon the Application of the Party in Contempt, discharge him from the same, except as to the Costs thereof, for which he shall remain in Custody, and such Costs shall be deemed within the Provision lastly herein-before contained, and he shall be dischargeable therefrom, and from the Process of Contempt, in like Manner as if the Process of Contempt were for Nonpayment of Money or Costs; provided that this Order or Regulation shall not weaken any of the other Powers by this Act given, nor shall any thing herein contained lessen the Operation of the said Act for the Relief of Insolvent Debtors.

Powers given by this Act to extend to the Lord Keeper and Master of the Rolls.

XV. And be it further enacted, That the Powers and Authorities given by this Act to the Court of Chancery, or to the Lord Chancellor of *Ireland*, shall and may be exercised as well by such Lord Chancellor as by (and they are hereby given to) the Lord Keeper or Commissioners of the Great Seal of *Ireland* for the Time being, and to the Master of the Rolls; but the Reports

Reports of the Marshal of the Marshalsea, and of the Masters visiting there, shall be made to the Lord Chancellor, Lord Keeper, or Lords Commissioners only, who alone are to make Orders thereupon for Discharge or Relief of Prisoners.

XVI. And be it further enacted, That the Rules herein-before directed to be adopted by the Court of Chancery shall be adopted by the Court of Exchequer, which Court shall, for the Purposes of this Act, draw upon the Suitors Fund of that Court.

XVII. And be it further enacted, That the Powers and Authorities contained in such last-mentioned Rules, and given by this Act to the Lord Chancellor, shall and may be exercised in like Manner by and are hereby given to His Majesty's Court of Exchequer, and may be exercised by the said Court, or by the Lord Chief Baron thereof; but such periodical Visits only to be made to the said Marshalsea, in regard to Prisoners for Contempt of the said Court, as the Lord Chief Baron shall direct, and by such Officer or Officers of the Court as he shall nominate.

XVIII. And be it further enacted, That wherever this Act, in describing or referring to any Person, or any Conveyance, Transfer, Matter, or Thing, uses the Word importing the Singular Number or the Masculine Gender only, the same shall be understood to include and shall be applied to several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Conveyances, Transfers, Matters, or Things respectively, as well as One Conveyance, Transfer, Matter, or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction.

XIX. Provided always, that nothing in this Act contained shall annul or vary the Provisions of an Act of the Seventh Year of George the Second, relating to Ireland, intituled *An Act for the Relief of Mortgagees, and for making the Process in Courts of Equity more effectual against Mortgagors who abscond and cannot be served therewith, and against Persons who being served refuse to appear; and also for better regulating the Payment of the Fees of Attornies and Solicitors*; or of an Act of the Second Year of His present Majesty, intituled *An Act to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland respectively*; or of an Act of the Fourth and Fifth of His present Majesty, intituled *An Act to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland*; or of an Act of the Fourth and Fifth Years of His present Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in Ireland*; or any of them, except so far as they are inconsistent with any of the Provisions of this Act.

Rules to be adopted by the Court of Exchequer.

Powers contained in such Rules may be exercised by the Court of Exchequer.

Rule for the Interpretation of this Act.

This Act not to annul Provisions of 7 G. 2. (1.)  
2 W. 4. c. 33.  
4 & 5 W. 4. c. 82.  
4 & 5 W. 4. c. 78.

## C A P. XVII.

An Act to extend to *Ireland* certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound Mind.*

[30th July 1835.]

11 Ann. (I.)

1W. 4. c. 65.

‘ WHEREAS by an Act passed in the Parliament of *Ireland*  
 ‘ in the Eleventh Year of the Reign of Queen *Anne*, inti-  
 ‘ tuled *An Act to enable Guardians and others to renew Leases for*  
 ‘ *Lives*, certain Provisions were made in that Behalf: And  
 ‘ whereas by an Act passed in the First Year of the Reign of  
 ‘ His present Majesty, intituled *An Act for consolidating and*  
 ‘ *amending the Laws relating to Property belonging to Infants, Femes*  
 ‘ *Covert, Idiots, Lunatics, and Persons of unsound Mind*, after  
 ‘ reciting the said Act, and that it was expedient that the Pro-  
 ‘ visions thereof, which had been so long in force in *Ireland*,  
 ‘ should remain unaltered, it was enacted, that the Clauses and  
 ‘ Provisions contained in the said therein recited Act should  
 ‘ be and continue in force in the same Manner, to all Intents  
 ‘ and Purposes, as if the said Clauses and Provisions and every  
 ‘ Part thereof had been repeated and re-enacted in the said  
 ‘ Act, and, that none of the other Provisions in the said Act  
 ‘ contained for authorizing any Surrenders to be accepted, or  
 ‘ any new Lease to be made or executed, for or on behalf of any  
 ‘ Person who, in pursuance of any Covenant or Agreement for  
 ‘ Renewal in any Lease contained or to be contained, ought to  
 ‘ make such new Lease or Leases, should extend or be construed  
 ‘ to extend to Lands in *Ireland*: And whereas the said Act of  
 ‘ the Eleventh Year of the Reign of Queen *Anne* does not contain  
 ‘ any Provision for the Renewal of Leases for Terms of Years:  
 ‘ And whereas by the said Act of the First Year of His present  
 ‘ Majesty's Reign it is enacted, that where any Person being  
 ‘ under the Age of Twenty-one Years, or a Feme Covert, might,  
 ‘ in pursuance of any Covenant or Agreement, if not under  
 ‘ Disability, be compelled to renew any Lease made or to be  
 ‘ made for the Life or Lives of One or more Person or Persons,  
 ‘ or for any Term or Number of Years absolute, or determinable  
 ‘ on the Death of One or more Person or Persons, it shall be  
 ‘ lawful to and for such Infant, or his Guardian in the Name of  
 ‘ such Infant, or such Feme Covert, by the Direction of the Court  
 ‘ of Chancery, to be signified by an Order to be made in a sum-  
 ‘ mary Way upon Petition of such Infant or his Guardian, or of  
 ‘ such Feme Covert, or of any Person entitled to such Renewal,  
 ‘ from Time to Time to accept of a Surrender of such Lease, and  
 ‘ to make and execute a new Lease of the Premises comprised  
 ‘ in such Lease for and during such Number of Lives, or for  
 ‘ such Term or Terms determinable upon such Number of Lives,  
 ‘ or for such Term of Years absolute, as was or were mentioned  
 ‘ in the Lease so surrendered at the making thereof, or other-  
 ‘ wise as the Court by such Order shall direct: And whereas  
 ‘ by



‘ by the said Act it is further enacted, that where any Person  
 ‘ being lunatic is or shall be entitled or has a Right, or, in pur-  
 ‘ suance of any Covenant or Agreement, might, if not under  
 ‘ Disability, be compelled to renew any Lease made or to be  
 ‘ made for the Life or Lives of One or more Person or Persons,  
 ‘ or for any Term or Number of Years absolute, or determinable  
 ‘ on the Death of One or more Person or Persons, or otherwise,  
 ‘ it shall be lawful to and for the Committee of the Estate of  
 ‘ such Lunatic, in the Name of such Lunatic, by the Direction  
 ‘ of the Lord Chancellor, intrusted as therein stated, to be signi-  
 ‘ fied by an Order to be made in a summary Way upon the  
 ‘ Petition of such Committee or of any Person entitled to such  
 ‘ Renewal, from Time to Time to accept of a Surrender of such  
 ‘ Lease, and to make and execute to any Person a new Lease of  
 ‘ the Premises comprised in such Lease to be surrendered by  
 ‘ virtue of the said Act, for and during such Number of Lives,  
 ‘ or for such Term or Terms of Years determinable upon such  
 ‘ Number of Lives, or for such Term or Terms absolute, as were  
 ‘ mentioned or contained in such Lease so surrendered at the  
 ‘ making thereof, or otherwise, as the Lord Chancellor, intrusted  
 ‘ as aforesaid, by such Order shall direct: And whereas it is  
 ‘ deemed expedient that the Powers of the Courts of Chancery  
 ‘ and Exchequer in *Ireland* over Land in *Ireland* should in the  
 ‘ respects aforesaid be as large as the Powers by the before-  
 ‘ mentioned Act given to the Courts of Chancery and Exche-  
 ‘ quer in *England* over Lands there:’ Be it therefore enacted  
 by the King’s most Excellent Majesty, by and with the Advice  
 and Consent of the Lords Spiritual and Temporal, and Commons,  
 in this present Parliament assembled, and by the Authority of  
 the same, That the said recited Act of the Eleventh Year of  
 the Reign of Queen *Anne*, and so much of the said Act of the  
 First Year of the Reign of His present Majesty as re-enacts the  
 Provisions in the said last-mentioned Act contained, shall be and  
 the same are hereby repealed (except as to such Proceedings  
 under the same as shall have been commenced before the  
 passing of this Act, and which may be proceeded in according to  
 the Provisions of the said recited Acts, or according to the Pro-  
 visions of this Act, as shall be thought expedient).

II. And be it further enacted, That the several Clauses and  
 Enactments in the said Act of the First Year of the Reign of  
 His present Majesty contained, and herein-before particularly  
 recited, relating to *England*, shall be deemed and construed to  
 extend and the same are hereby extended to *Ireland*, and the  
 Powers and Authorities thereby given shall and may henceforth  
 be exercised by the Courts of Chancery and Exchequer in *Ire-  
 land*, in relation to Land there, as fully and effectually as  
 the same can be exercised by the Courts of Chancery and Exchequer  
 in *England* with respect to Land in *England*, and in the same  
 Manner in all respects as if the same Clauses and Enactments  
 had by the said Act of the First Year of the Reign of His present  
 Majesty been extended to *Ireland*; and the Word “Land” shall  
 in this Act have the same Signification as by the said recited Act  
 is given to it.

Recited Act of  
 11 Ann. (I.)  
 and so much of  
 1 W. 4. c. 65. as  
 re-enacts the  
 Provisions of  
 that Act repeal-  
 ed, except, &c.

Clauses, &c. of  
 1 W. 4. c. 65.  
 herein-before  
 particularly  
 recited, extended  
 to Ireland.

## C A P. XVIII.

An Act to exempt Carriages carrying Manure from Toll.

[30th July 1835.]

‘ **W**HEREAS Disputes have arisen as to the Exemption from  
 ‘ Toll for Horses and Carriages when employed in carrying  
 ‘ or conveying Manure for improving Lands:’ Be it therefore  
 enacted by the King’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the  
 Authority of the same, That from and after the First Day of  
*January* One thousand eight hundred and thirty-six no Toll  
 shall be demanded or taken on any Turnpike Road for or in re-  
 spect of any Horse, Beast, Cattle, or Carriage, when employed  
 in carrying or conveying only Dung, Soil, Compost, or Manure for  
 Land, (save and except Lime,) and the necessary Implements used  
 for filling the Manure, and the Cloth that may have been used in  
 covering any Hay, Clover, or Straw which may have been conveyed.

After 1st January 1836 no Toll to be taken for Manure, save and except Lime.

Nothing herein to exempt from Toll imposed by any Local Act.

Power to vacate Leases.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to exempt any Waggon, Cart, or other Carriage laden with Dung or Manure for manuring Land, or any Horse or other Beast drawing the same, from any Toll imposed in respect thereof by virtue of any Local Act or Acts now passed whereby such Toll has been imposed for the Maintenance of the Roads therein respectively mentioned.

III. ‘ And whereas there are many Persons who are now Contractors for Turnpike Tolls, and whose Leases or Contracts will not expire until after the said First Day of *January* One thousand eight hundred and thirty-six, but who, by reason of this Act, may be desirous of terminating their said Leases or Contracts;’ be it therefore enacted, That it may be lawful for any Lessee or Contractor for Tolls whose Lease or Contract shall not expire until after the said First Day of *January* One thousand eight hundred and thirty-six, at any Time within Twenty-one Days after the passing of this Act, to give Notice to the Clerk or Treasurer of such Turnpike Road of his or her Intention to vacate such Lease or Contract on the said First Day of *January* One thousand eight hundred and thirty-six, upon which Day such Lease or Contract shall expire accordingly.

Act not to extend to Scotland or Ireland.

IV. And be it further enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

## C A P. XIX.

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.

[30th July 1835.]

‘ **W**HEREAS the Prosperity, Strength, and Safety of this  
 ‘ United Kingdom and of His Majesty’s Dominions do  
 ‘ principally depend on a large, constant, and ready Supply of  
 ‘ Seamen, as well for carrying on the Commerce as for the De-  
 ‘ fence thereof; and it is therefore necessary to aid by all prac-  
 ‘ ticable Means the Increase of the Number of such Seamen, and  
 ‘ to give them all due Encouragement and Protection, and to this  
 ‘ End

' End to amend and consolidate the Laws relating to their Regulation and Government: ' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of July One thousand eight hundred and thirty-five, from which Day this Act shall commence and take effect, an Act passed in the Second Year of the Reign of Her late Majesty Queen *Anne*, for the Increase of Seamen, and better Encouragement of Navigation, and Security of the Coal Trade; and also an Act passed in the Second Year of the Reign of His late Majesty King *George* the Second, for the better Regulation and Government of the Seamen in the Merchant Service; and also an Act passed in the Second Year of the Reign of His late Majesty King *George* the Third, for making perpetual the last-mentioned Act, and for extending the Provisions thereof to His Majesty's Colonies in *America*; and also an Act passed in the Thirty-first Year of the Reign of His said Majesty King *George* the Third, for the better Regulation and Government of Seamen employed in the Coasting Trade of this Kingdom; and also an Act passed in the Forty-fifth Year of the Reign of His said late Majesty, for amending the last-mentioned Act; and also an Act passed in the Thirty-seventh Year of the Reign of His said Majesty King *George* the Third, for preventing the Desertion of Seamen from *British* Merchant Ships trading to His Majesty's Colonies and Plantations in the *West Indies*; and also an Act passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, to extend and render more effectual the Regulations for the Relief of Seafaring Men and Boys, Subjects of the United Kingdom, in Foreign Parts; and also an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for regulating the Number of Apprentices to be taken on board *British* Merchant Vessels, and for preventing the Desertion of Seamen therefrom; and also an Act passed in the Fourth Year of His present Majesty's Reign, for continuing an Act of the Fifty-ninth Year of King *George* the Third, for facilitating the Recovery of the Wages of Seamen in the Merchants Service, shall be and the same are hereby declared to be repealed: Provided always, that all Offences which shall have been committed and all Penalties and Forfeitures which shall have been incurred previous to the Commencement of this Act, against the Provisions of the said Acts, shall and may be punishable and recoverable under the said Acts as if the same had not been repealed.

II. And be it further enacted, That it shall not be lawful for any Master of any Ship or Vessel belonging to any Subject of His Majesty of this United Kingdom trading to Parts beyond the Seas, or of any *British* registered Ship of the Burthen of Eighty Tons or upwards employed in any of the Fisheries of the United Kingdom, or in trading Coastwise or otherwise, to carry to Sea on any Voyage, either from this Kingdom or from any other Place, any Seaman or other Person as one of his Crew or Complement (Apprentices excepted), without first entering into an Agreement in Writing with every such Seaman, specifying what monthly or other Wages each such Seaman is to be paid, the Capacity

After 31st July  
1835 the Acts  
2 & 3 Ann. c. 6.

2 G. 2. c. 36.

2 G. 3. c. 31.

31 G. 3. c. 39.

45 G. 3. c. 81.

37 G. 3. c. 73.

58 G. 3. c. 38.

4 G. 4. c. 25.

3 & 4 W. 4. c. 88.

and

59 G. 3. c. 58.

shall be repealed.

No Seamen to  
be taken to Sea  
without a writ-  
ten Agreement.

Capacity in which he is to act, and the Nature of the Voyage in which the Ship is intended to be employed, so that the Seaman may have some Means of judging of the probable Period for which he is likely to be engaged; and the said Agreement shall contain the Day of the Month and Year in which the same shall be made, and shall be signed by the Master in the first instance, and by the Seamen respectively at the Port or Place where such Seamen shall be respectively shipped; and the Master shall cause the same to be, by or in the Presence of the Party who is to attest their respective Signatures thereto, truly and distinctly read over to every such Seaman before he shall be required to sign the same, in order that he may be enabled to understand the Purport and Meaning of the Engagement he enters into and the Terms to which he is bound.

Regulations  
respecting  
Forms of  
Agreements.

III. And be it further enacted, That in the Cases of Ships as aforesaid bound to Parts beyond the Seas, except as herein-after provided, every such Agreement shall be in the Form and shall contain true Entries under their respective Heads of the several Particulars set forth in the Schedule to this Act annexed and marked (A.), so far as the same can be ascertained; and that the Owners and the Master of every such Ship, or One of them, shall, on reporting his Ship's Arrival at her Port of Destination in the United Kingdom, deposit or cause to be deposited with the Collector or Comptroller of the Customs at such Port a true Copy of such Agreement, attested by the Signature of the Master, to the Intent that every Person who may be interested in any such Agreement may at all Times have the Means of knowing the Terms and Conditions thereof; and that in the Cases of Ships employed in fishing on the Coasts of the United Kingdom, and of Ships regularly trading from one Part of the United Kingdom to another, and of Ships regularly trading or making regular 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*, the Agreement to be entered into as aforesaid shall be in the Form and shall contain true Entries under their respective Heads of the Particulars set forth in the Schedule to this Act annexed and marked (B.), so far as the same can be ascertained; and that the Owner or One of the Owners of every such Ship employed in fishing or in trading in any of the Cases last mentioned shall to the like Intent, within Ten Days next after the Expiration of every Six Months ending on the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, deposit with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong a true Copy of every Agreement which shall have been entered into with any Person composing Part of the Crew thereof within the preceding Six Months, attested by the Signature of such Owner; and all Copies of Agreements so required by this Act to be deposited as aforesaid shall, when the same shall have been so deposited, and shall be required to be produced in Evidence on the Part of any Seaman, be received and taken as legal Proof of the Contents of the Agreement.

IV. And be it further enacted, That if any Master of any such Ship as aforesaid shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into such Agreement as is

Penalty for  
Default.

hereby required, he shall for every such Offence forfeit and pay the Sum of Ten Pounds for or in respect of each and every such Seaman he shall so carry out contrary to this Act; and if any Master shall neglect to cause the Agreement to be distinctly read over to each such Seaman, as by this Act he is enjoined, he shall for every such Neglect forfeit and pay the Sum of Five Pounds; and if any Master shall neglect to deposit with the Collector or Comptroller of the Customs a Copy of the Agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false Copy of any such Agreement, he shall for every such Neglect or Offence forfeit and pay the Sum of Fifty Pounds.

V. And be it further enacted, That no Seaman, by entering into or signing such Agreement as aforesaid, shall forfeit his Lien upon the Ship, nor be deprived of any Remedy for the Recovery of his Wages which Seamen are now lawfully entitled to against either the Ship, the Master or the Owners thereof; nor shall any Agreement made contrary to or inconsistent with the Provisions of this Act, or any Clause whereby a Seaman shall consent to forego the Right which the Maritime Law gives him to Wages in the Case of Freight earned by Ships subsequently lost, or containing any Words to that Effect, be valid or binding on any Seaman signing the same; and that in Cases in which it may be necessary that the Agreement should be produced to sustain a Claim on the Part of a Seaman no Obligation shall lie upon the Seaman to produce the same, nor shall any Seaman fail in any Suit or Proceeding for the Recovery of his Wages for Want of the Production of any such Agreement, or of any deposited Copy thereof as aforesaid, or for the Want of any Notice to produce the same; any Law or Usage to the contrary notwithstanding.

VI. And be it further enacted, That in case a Seaman shall at any Time, after having signed an Agreement as herein-before mentioned, 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 her, or shall absent himself therefrom without Leave, it shall be lawful for any Justice of the Peace in any of His Majesty's Dominions at Home or Abroad near to the Place where such Ship shall happen to be, upon Complaint of the Fact made upon Oath by the Master, Mate, or Owner thereof, and such Justice is hereby required, by his Warrant to 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, upon due Proof of such Neglect, Refusal, or Absence it shall be lawful for any such Justice to commit such Seaman to the House of Correction, there to be kept to hard Labour for a Period not exceeding Thirty Days: Provided always, that in case such Seaman, on being apprehended and brought before the said Justice, shall consent to join the Ship and proceed on the Voyage for which he shall have agreed, it shall be lawful for the said Justice, at the Request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said Ship or to be delivered to the Master for the Purpose of proceeding on the Voyage, and also to award to the Master such Costs incurred in the Apprehension of the Seaman as to such Justice shall seem reasonable,

Seamen not to be deprived of legal Remedies.

No Agreement contrary to the Act to be valid.

Seamen not bound to produce Agreement.

Seamen refusing to join or to proceed in the Ship, or absenting themselves therefrom, may be committed to Gaol.

reasonable, not exceeding in any Case the Sum of Forty Shillings, which shall be chargeable against and may be abated from the Wages to grow due to such Seaman.

Forfeiture for temporary Absence from Duty.

VII. And be it further enacted, That if any Seaman, after having signed such Agreement as aforesaid, or after the Ship on board which he shall have agreed to serve shall have left her first Port of Clearance, and before the Period for which he shall have agreed to serve shall be completed, shall wilfully and without Leave absent himself from the Ship, or otherwise from his Duty, he shall (in all Cases not of absolute Desertion, or not treated as such by the Master,) forfeit out of his Wages to the Master or Owner of such Ship the Amount of Two Days Pay for every Twenty-four Hours of such Absence, and in a like Proportion for any less Period of Time, or, at the Option of the said Master, the Amount of such Expences as shall have been necessarily incurred in hiring a Substitute to perform his Work; and in case any Seaman while he shall belong to the Ship shall without sufficient Cause neglect 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 having signed such Agreement, or 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 thereof, he shall forfeit to the Master or Owner One Month's Pay out of his Wages: Provided always, that no such Forfeitures shall be incurred unless the Fact of the Seaman's temporary Absence, Neglect of Duty, or quitting the Ship shall be duly entered or recorded in the Ship's Log Book, which Entry shall specify truly the Hour of the Day at which the same shall have occurred, and the Period during which the Seaman was absent or neglected his Duty, 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.

How Amount of Forfeiture is to be ascertained when Seamen contract for the Voyage.

VIII. And be it further enacted, That in all Cases where the Seaman shall have contracted for Wages by the Voyage or by the Run, 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 Money bearing the same Proportion to the whole Wages as a Calendar Month shall bear to the whole Time spent in the Voyage, and in like Manner a Forfeiture of Two Days Pay or less shall be accounted and taken to be a Forfeiture of a Sum bearing the same Proportion to the whole Wages as the same Period of Time shall bear to the whole Time spent in the Voyage; and if the whole Time spent in the Voyage shall not exceed One Calendar Month, the Forfeiture of One Month's Pay shall be accounted and taken to be a Forfeiture of the whole Wages contracted for; and if such Time shall not exceed Two Days, the Forfeiture of Two Days Pay shall be accounted

and

and taken to be a Forfeiture of the whole Wages contracted for; and the Master is hereby authorized to abate the Amount of all Forfeitures herein-before enacted out of the Wages of any Seaman incurring the same.

IX. And be it further enacted, That every Seaman who shall absolutely desert the Ship to which he shall belong shall forfeit to the Owner or Master thereof all his Clothes and Effects which he may leave on board, and all Wages and Emoluments to which he might otherwise be entitled, provided the Circumstances attending such Desertion be entered in the Log Book at the Time and certified by the Signature of the Master and Mate or other credible Witness; and that an Absence of a Seaman from the Ship for any Time within the Space of Twenty-four Hours immediately preceding the sailing of the Ship without Permission from the Master thereof, or for any Period however short, under Circumstances plainly showing that it was his Intention not to return thereto, shall be deemed an absolute Desertion; and in case any such Desertion shall take place in Parts beyond the Seas, and the Master of the Ship shall be under the Necessity of engaging any Seaman as a Substitute for the Deserter at a higher Rate of Wages than that stipulated in the Agreement to be paid to the Seaman deserting, the Owner or Master of the Ship shall be entitled to recover from the Deserter by summary Proceeding, in the same Manner as Wages are by this Act made recoverable, any Excess of Wages 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.

X. And be it further enacted, That if any Person shall, either on Shipboard or on Shore, harbour or secrete a Seaman who shall have signed an Agreement to proceed on a Voyage to Parts beyond the Seas, and shall have deserted or absented himself without Leave from his Ship, knowing or having Reason to believe him to be a Deserter or to be absent without Leave, every Person so offending shall for every such Seaman so harboured or secreted forfeit and pay the Sum of Ten Pounds; and that no Debt exceeding in Amount Five Shillings, incurred by any Seaman after he shall have signed any such Agreement as aforesaid, shall be recoverable until the Voyage 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 withhold or detain any Chest, Bed or Bedding, Clothes, Tools, or other Effects of any Seaman, for any pretended Debt alleged to have been contracted by any such Seaman; and in case any such Chest, Bed, Bedding, Clothes, Tools, or other Effects as aforesaid shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace in any Part of His Majesty's Dominions, upon Complaint upon Oath to be made by any such Seaman or on his Behalf, to inquire into the Matter, and if he shall see right by Warrant under his Hand and Seal to cause any such Property or Effects so withheld or detained contrary to this Act to be seized and delivered over to the Seaman.

XI. And be it further enacted, That the Master or Owner of every Ship shall and he is hereby required to pay to every Seaman entering

Forfeiture for  
Desertion.

Increased  
Wages paid in  
consequence of  
Desertion re-  
coverable from  
the Deserter.

Penalty for  
harbouring  
Deserters.

No Debt  
exceeding 5s.  
recoverable from  
a Seaman till  
Voyage is  
ended.

Seamen's Effects  
not to be detain-  
ed by Keepers  
of Lodging  
Houses under  
Pretence of  
Debt.

The Period  
within which  
Wages are to  
be paid.

entering into such Contract as aforesaid his Wages, if the same shall be demanded within the respective Periods following; (that is to say,) if the Ship shall be employed in trading Coastwise, 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 in trading otherwise than Coastwise, then the Wages shall be paid at the latest within Three Days after the Cargo shall have been delivered, or within Ten Days after the Seaman's Discharge, whichever shall first happen; in either of which last-mentioned Cases of Payment being delayed 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 estimated Balance due to him; and in case any 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 for each Day not exceeding Ten Days during which Payment shall without sufficient Cause be delayed beyond the Period at which such Wages or Part Wages are hereby required to be paid as aforesaid; for the Recovery of which Forfeiture the Seaman shall have the same Remedies as he is by Law entitled to for the Recovery of his Wages: 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 compensated by Shares in the Profits of the Adventure.

Such Payment of Wages to be deemed valid, notwithstanding Bill of Sale, &c.

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 by any such Seaman of such Wages, or of any Attachment or Incumbrance thereon; and that no Assignment or Sale of Wages made prior to the Earning thereof, nor any Power of Attorney expressed to be irrevocable for the Receipt of any such Wages, shall be valid or binding upon the Party making the same.

Masters to give Seamen their Certificates on their Discharge.

XIII. And be it further enacted, That upon the Discharge of a Seaman from the Ship in which he shall have served he shall be entitled to receive from the Master a Certificate of his Service and Discharge, specifying the Period of Service and the Time and Place of the Discharge of such Seaman, which Certificate shall be signed by the Master; and if any Master shall refuse to give such Certificate to any such Seaman without having reasonable Cause for his Refusal he shall for every such Offence forfeit and pay to him the Sum of Five Pounds.

Penalty for Default.

For obtaining immediate Payment of Wages of Seamen in certain Cases.

XIV. And be it further enacted, That if after a Seaman shall have been discharged from any Ship or Vessel Three Days he shall be desirous of proceeding to Sea on another Voyage, and in order thereto shall require immediate Payment of the Wages due to him, it shall be lawful for any Justice of the Peace in any Part of His Majesty's Dominions, on Application from such Seaman, and on satisfactory Proof that he would be prevented from Employment by Delay, to summon the Master or Owner of such Ship or Vessel before him, and to require Cause to be shown why immediate Payment of such Wages should not be made;



made; and if it shall appear to the Satisfaction of such Justice that there is no reasonable Cause for Delay he shall order Payment to be made forthwith, and in default of Compliance with such Order such Master or Owner shall forfeit and pay the Sum of Five Pounds.

XV. And whereas Seamen, in Cases of Dispute, may be exposed to great Inconvenience, Expence, and Delay in obtaining 'Payment of their Wages;' for Remedy thereof be it enacted, That in all Cases of Wages not exceeding Twenty Pounds which shall be due and payable to a Seaman for his Service in any Ship as aforesaid, it shall be lawful for any Justice of the Peace in any Part of His Majesty's Dominions residing near to the Place where the Ships shall have ended her Voyage, cleared at the Custom House, or discharged her Cargo, or near to the Place where the Master or Owner upon whom respectively the Claim is made shall be or reside, upon Complaint on Oath to be made to such Justice by any such Seaman or on his Behalf, to summon such Master or Owner to appear before him to answer such Complaint, and upon the Appearance of such Master or Owner, or in default thereof, on due Proof of his having been so summoned, such Justice is hereby empowered to examine upon the Oath of the Parties and their respective Witnesses (if there be any) touching the Complaint and the Amount of Wages due, and to make such Order for Payment thereof as shall to such Justice 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 Charges and Expences incurred by the Seaman in the making and hearing of the Complaint, as well as those incurred by the Distress and Levy and in the Enforcement of the Justice's Order; and in case sufficient Distress cannot be found it shall be lawful for the said Justice to cause the Amount of the said Wages and Expences to be levied on the Ship in respect of the Service on board which the Wages are claimed, or the Tackle and Apparel thereof; and if such Ship shall not be within the Jurisdiction of such Justice, then he is hereby empowered to cause the Party upon whom the Order for Payment shall be made to be apprehended and committed to the Common Gaol of the 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 as well on every such Seaman as on the Owner and Master of the Ship.

XVI. And be it further enacted, That if any Suit for the Recovery of a Seaman's Wages shall be instituted against the Ship, or the Master or Owner thereof, either in the High Court of Admiralty or in any Vice-Admiralty Court, or against the Master or Owner in any Court of Record in His Majesty's Dominions, and it shall appear to the Judge in the Course of such

Summary Mode  
of recovering  
Wages not  
exceeding 20*l*.

In what Case  
Costs of Suit for  
Recovery of  
Wages not to  
be allowed.

Suit

Suit that the Plaintiff might have had as effectual a Remedy for the Recovery of his Wages by Complaint to a Justice of the Peace as herein-before provided, then and in every such Case it shall be lawful for such Judge and he is hereby required to certify to that Effect, and thereupon no Costs of Suit shall be awarded to the Plaintiff.

When Ship is sold at a Foreign Port, the Crew to be sent Home at the Expence of the Master or Owners.

XVII. And be it further enacted, That whenever any Ship whatever belonging to any Subject of the United Kingdom, except in Cases of Wreck or Condemnation, shall be sold at any Port out of His Majesty's Dominions, the Master 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 at such Port, shall signify their Consent in Writing to be there discharged,) shall and he is hereby required, besides paying them the Wages to which they shall be entitled under the Agreement, 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 His Majesty's Dominions at which they were originally shipped, or to some Port in the United Kingdom, as shall be agreed upon, by providing them with a Passage Home, or depositing with the Consul or Vice-Consul such a Sum of Money as shall be by him deemed reasonably sufficient to defray the Expences of their Subsistence and Passage; and if the Master shall refuse or neglect to do so, such Expences when defrayed shall be a Charge upon the Owner whose Ship shall be so sold, except in Cases of Barratry, Wreck, or Condemnation, and may be recovered against such Owner as so much Money paid and expended on his Account, together with full Costs, at the Suit of the Consul or other Person defraying such Expences, or of His Majesty's Attorney General on behalf of His Majesty, in case the same shall have been allowed to the Consul out of the Public Monies.

Supply of Medicines to be kept on board, and Seamen hurt in the Service of the Ship to be provided with Advice, &c. gratis.

XVIII. ' And whereas it is necessary that due Provision should be made for the Preservation of the Health and Lives of the Seamen employed in the Merchant Service; be it further enacted, That every Ship sailing from the United Kingdom to any Place out of the same shall have and keep constantly on board the same a sufficient Supply of Medicines suitable to Accidents and Diseases arising on Sea Voyages, which shall be renewed from Time to Time as shall be found requisite; and in case any Default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any Hurt or Injury in the Service of the Ship, the Expence of providing the necessary Surgical and Medical Advice, and Attendance and Medicines which the Seaman shall stand in need of until he shall have been cured or shall have been brought back to some Port of the United Kingdom, shall be borne and defrayed by the Owner and Master of the Ship or One of them, without any Deduction whatever on that Account from the Seaman's Wages.

Establishment of Register Office for Seamen.

XIX. ' And whereas it is expedient that a Register should be formed and maintained of all the Mariners and Seafaring Men of the United Kingdom; be it therefore enacted, That as soon as conveniently may be after the passing of this Act there

shall be established in the Port of *London* an Office, to be called "The General Register Office of Merchant Seamen," which shall consist of a Registrar and such Assistants and Clerks with such Salaries and Allowances as shall 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 shall be kept at the Custom House of the said Port, and daily Attendance shall be given thereat during the usual Hours of Business there; and the said Registrar, his Assistants and Clerks, shall be under the Control and Directions of the said Lord High Admiral or the Commissioners for executing the Office aforesaid for the Time being.

XX. And be it further enacted, That for the more readily carrying this Act into execution all Letters and Packets addressed to and sent by the said Registrar upon any Business relating to the Register Office created by this Act shall be free from the Duty of Postage; and that all Letters and Packets which shall be forwarded by the said Registrar in the Execution of his Duty as such Registrar shall be under a Cover, with the Words, "Pursuant to Act of Parliament of the Fifth Year of King *William* the Fourth," printed thereon, and the said Registrar shall sign his Name under such Words, and every such Cover shall be sealed with the Seal of his Office; and if the said Registrar or any other Person shall send or cause to be sent under any such Cover any Paper, Letter, or Writing, or any Inclosure, other than what shall relate to the public Business of the said Office, every Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

XXI. And whereas by an Act of the last Session of Parliament, intituled *An Act to amend an Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes*, a certain Book by way of Muster Roll is for the Purposes of the said Act required to be kept on board Merchant Ships, which Book is to contain such Entries and Statement of Account as by the said Act is required: And whereas it is expedient for the better effectuating the Objects of this Act that a due Return should be made to the said Registrar of Merchant Seamen of many of the Particulars in the said Act specified; be it therefore further enacted, That the Master of every Ship belonging to any Subject of His Majesty, and bound to Parts beyond the Seas, except in the Cases next herein-after provided, shall not only keep the Book so required by the said recited Act, but shall, on reporting his Ship on her Arrival at her Port of Destination in the United Kingdom, deliver or cause to be delivered to the Collector or Comptroller of the Customs at such Port an Account, 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 shall contain a true and correct Return under their respective Heads of the

Letters to and from Registrar to be free from Postage.

Masters of Ships trading Abroad to deliver Lists of their Crews on their Return. 4 & 5 W. 4. c. 52.

several Particulars expressed in the Form set forth in the Schedule annexed to this Act, and marked (C.).

Masters of Ships  
in the Home  
Trade to return  
similar Lists.

XXII. And be it further enacted, That within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, the Owner or One of the Owners of every Ship as aforesaid employed in fishing on the Coasts of the United Kingdom, or in regularly trading from one Part of the United Kingdom to another, and of every Ship regularly trading or making regular 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 deposit or cause to be deposited with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong, or with the said Registrar in *London*, an Account, signed by such Owner, or by the Master, of the Voyages in which any such Ship shall have been engaged during the preceding Half Year ending on the respective Days above mentioned, and setting forth 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.) and to this Act annexed.

Return to be  
made in case of  
Ship lost or sold  
Abroad.

XXIII. And be it further enacted, That in case any Ship as aforesaid shall be lost or sold while absent from the United Kingdom, then an Account containing a similar Return as required in the several and respective Cases before mentioned, which shall be made out up to the Period of such Loss or Sale, shall by the Persons who shall at that Time have been respectively Owner and Master thereof, or by One of them, be delivered or transmitted to the said Registrar in the Port of *London* so soon as he shall be enabled to make such Return after the Loss, and within Twelve Calendar Months at farthest after the Sale of the Ship.

Lists to be cer-  
tified, and trans-  
mitted to the  
Registrar.

XXIV. And be it further enacted, That the said several Accounts and Returns by this Act required to be deposited with or delivered to the Collector or Comptroller as aforesaid shall by such Officers of the Customs be transmitted from Time to Time to the said Registrar for the Purposes of this Act; and every such Owner or Master of any Ship as aforesaid who shall refuse or wilfully neglect to deliver or cause to be delivered any such List or Account as by this Act is required, shall for every such Refusal or Neglect forfeit and pay the Sum of Twenty-five Pounds.

Penalty on the  
Master for  
Neglect.

As to the Dis-  
posal of the  
Effects of Sea-  
men dying  
Abroad.

XXV. And in order that due Care may be taken of the Effects of *British* Seamen dying in Foreign Parts, and that a proper Disposition may be made thereof, be it further enacted, That whenever a *British* Seaman being Abroad shall die elsewhere than on board a *British* Ship, leaving any Money or Effects within the Limits of any *British* Consulate, it shall be lawful for His Majesty's Consul there and he is hereby required to claim and take charge of all such Money and Effects, and to dispose of the said Effects for the Benefit of the next of Kin of the Deceased

Deceased or other Person who may be by Law entitled to the same ; and in case no Claim shall be made to the same within Three Calendar Months after the Death of such Seaman, the said Consul shall, after abating the Amount of any Expences which shall have been incurred in getting in the Assets of the Deceased, remit the Balance of all such Monies which either have already arisen or shall hereafter arise by the Means aforesaid to the President and Governors of the Corporation " For the Relief and Support of sick, maimed, and disabled Seamen, and of the Widow 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 the said recited Act of the last Session of Parliament with respect to the Wages of Seamen dying on board Merchant Ships ; and in case any Seaman so dying as last mentioned shall leave on board the Ship to which he shall belong any Monies, Clothes, or other Effects, and the same shall not be claimed within One Month after the Ship's Return to the United Kingdom by the Executor or Administrator of the Deceased, then the Master of the said Ship shall and he is hereby required to deposit the same or the Proceeds arising therefrom with 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 deceased Seamen.

XXVI. And whereas the giving due Encouragement to such of the Youth of the United Kingdom as shall voluntarily betake themselves to the Sea Service, and obliging others to do so who by reason of their own or their Parents Poverty are destitute of the Means of obtaining Subsistence and Employment, will not only greatly tend to the Increase of able and experienced Seamen, as well for the Service of the Royal Navy as for carrying on the Commerce of His Majesty's Subjects, but will likewise provide them with Employment, and thus materially diminish the Burthen of Expence cast upon Parishes by their Maintenance ; be it therefore enacted, That it shall be lawful for the Overseers of the Poor or other Persons having the Authority of Overseers of the Poor of any Parish, Township, or Place in the United Kingdom, or in whom the Duty of Overseers or Guardians of the Poor shall or may be vested, and they are hereby empowered, to bind by Indenture and put out any Boy having attained the Age of Thirteen Years, and of sufficient Health and Strength, who or whose Parent or Parents is or are chargeable to or maintained by any such Parish or Township, or who shall beg for Alms therein, with his Consent but not otherwise, an Apprentice in the Sea Service to any of His Majesty's Subjects being the Master or Owner of any Ship registered in any Port of the United Kingdom, for so long Time and until such Boys shall respectively attain the Age of Twenty-one Years, which Binding shall be as effectual in the Law to all Intents and Purposes as if such Boy had been bound by virtue of any Statute now in force respecting the binding of Parish Apprentices, or as if such Boy were of full Age and had bound himself an Apprentice, and notwithstanding the Residence of the Master or Owner

Parish Boys  
may be put out  
Apprentices in  
the Sea Service.

to whom he may be bound shall be more than Forty Miles distant from such Parish or Place: Provided always, that every such Binding shall be made in the Presence of Two Justices of the Peace acting for the County, Riding, Division, City, Borough, or Place within which such Parish or Township shall be situate, which Justices shall execute the Indenture in Testimony of their having been satisfied that such Boy hath attained the Age and is of sufficient Health and Strength as required by this Act; and to the end that the Period when the Service under such Indenture shall expire may the more certainly appear, the Age of every such Boy shall be inserted in his Indenture, the same being truly taken from a Copy of the Entry of his Baptism in the Register Book of the Parish in which he was born (where the same can be obtained), which Copy shall be given and attested by the Officiating Minister of such Parish without Fee or Reward; and in Cases where no such Entry of Baptism can be found the Justices aforesaid shall inform themselves as fully as they can of such Boy's Age, and from such Information shall insert the same in his said 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.

Parish Apprentices may be turned over to the Sea Service.

XXVII. And be it further enacted, That it shall be lawful for any Master or Person to whom any poor Parish Apprentice shall have been or shall be hereafter bound to a Service on Shore according to the Statutes already in force relating to such Apprentices, or for the Executors or Administrators, or, there being none such, for the Widow of any such deceased Master, with the Concurrence of Two or more Justices of the Peace residing in or near to the Place where such poor Boy shall have been bound Apprentice, to assign and turn over such poor Boy, with his Consent but not otherwise, Apprentice to any Master or Owner of any Ship not having her Complement of Apprentices as herein-after required, to be employed by such Master or Owner in the Sea Service during the Period then remaining unexpired of his Apprenticeship.

Indentures may be assigned on the Death of the Master.

XXVIII. And be it further enacted, That in the Event of the Death of the Master of any such poor or Parish Apprentice to the Sea Service, it shall be lawful for the Widow or the Executor or Administrator of such deceased Master to assign the Indenture of any such Apprentice for the Residue of the Term then unexpired therein to any Master or Owner of any such Ship not having the Complement of Apprentices as herein-after required; all which Assignments, if executed within the Limits of the Port of *London*, shall be attested by the said Registrar or One of his Assistants or Clerks, and if at any other Port shall be attested by the Collector or Comptroller of the Customs of such Port.

Parish Officers to prepare Indentures.

XXIX. And be it further enacted, That such Overseers or other Persons as aforesaid shall cause the Indentures of Apprenticeship to be prepared and transmitted in Duplicate, if the Master or Owner of the Ship to whom such Apprentice is to be bound shall be or reside within the Limits of the Port of *London*, to the said Registrar, and if at any other Port to the Collector or Comptroller of the Customs at such Port; and the said Overseers

Overseers or other Persons as aforesaid shall cause each such poor Boy to be conducted and conveyed to such Port or Place by the Constable and at the Expence of the Parish or Township sending him thither, and shall also, upon the Execution by the Master of the Counterpart of the Indentures, cause to be paid down to the Master the Sum of Five Pounds, to be expended in providing such Boy with necessary Sea Clothing and Bedding; which Sum, as well as the Expences to be incurred in the Conveyance of the Boy as aforesaid, shall, when paid, be allowed to them in their Accounts of Monies expended in relation to the Poor.

Constable to convey the Apprentice.

XXX. And be it further enacted, That the Counterparts of all such Indentures shall, if the Master shall be or reside within the Limits of the Port of *London*, be executed in the Presence of and attested by the said Registrar or One of his Assistants or Clerks, and if at any other Port by the Collector or Comptroller of the Customs at such Port, and also in both Cases by the Constable or other Officer who shall convey such Apprentices thither, and such Indentures shall bear Date respectively on the Days on which they are executed; and the Constable on his Return shall deliver such Counterparts to the Overseers or other Persons as aforesaid, to be by them registered and preserved.

How Counterparts of Indentures to be attested.

XXXI. And be it further enacted, That the Master of every Ship belonging to any Subject of the United Kingdom, and of the Burthen of Eighty Tons and upwards, shall have on board thereof, at the Time of clearing out from any Port of the United Kingdom, One Apprentice or more, in the following Proportions to the Number of Tons of his Ship's Admeasurement, according to the Certificate of Registry; that is to say, every Ship of Eighty Tons and under Two hundred Tons shall have One Apprentice at the least, every Ship of Two hundred Tons and under Four hundred Tons shall have Two Apprentices at the least, every Ship of Four hundred Tons and under Five hundred Tons shall have Three Apprentices at the least, every Ship of Five hundred Tons and under Seven hundred Tons shall have Four Apprentices at the least, and every Ship of Seven hundred Tons and upwards shall have Five Apprentices at the least, all of whom at the Period of their being bound respectively shall have been under Seventeen Years of Age, and shall have been duly bound for the Term of Four Years at the least; and if any such Master shall neglect to have on board his Ship the Number of Apprentices as hereby required he shall for every such Offence forfeit and pay the Sum of Ten Pounds in respect of each Apprentice so deficient.

Every Ship to have Apprentices according to her Tonnage.

Penalty for Deficiency of Apprentices.

XXXII. And be it further enacted, That no Apprentice bound or assigned pursuant to this Act, nor any Master or Owner in respect of any such Apprentice, shall be liable to the Payment of any Contribution towards the Support of any Hospital or Institution.

Apprentices exempt from Contributions for Hospitals.

XXXIII. And be it further enacted, That the said Registrar in *London* 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

Indentures and Assignments to be registered.

the Dates thereof, the Names and Ages of the Apprentices, the Parishes or Places from whence sent, the Names and Residences of the Masters to whom bound or assigned, and the Names, Ports, and Burthen of the respective Ships to which such Masters belong, and shall make and subscribe on each Indenture or Assignment respectively an Indorsement purporting that the same hath been duly registered pursuant to this Act; and every such Collector and Comptroller shall also at the End of each Quarter of the Year transmit a List of the Indentures and Assignments so registered by him within the preceding Quarter, containing all the Particulars aforesaid, to the said Registrar, for the Purposes of this Act.

Indentures of Apprentices to be registered.

XXXIV. And be it further enacted, That in every Case of a Person voluntarily binding himself Apprentice to the Sea Service the Indentures to be executed on such Occasions shall be registered in a Book to be kept for that Purpose by the said Registrar in *London* and by the Collector and Comptroller of the Customs at each other Port at which the Indenture shall be executed, 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 Burthen of the several Ships on board which they are respectively to serve; and such Registrar and Collector or Comptroller respectively shall indorse and subscribe upon each Indenture a Certificate purporting that the same hath been duly registered pursuant to this Act, and the said Collector and Comptroller shall also at the End of each Quarter of the Year transmit a List of the Indentures so registered by them within the preceding Quarter, containing all the Particulars aforesaid, to the said Registrar, for the Purposes of this Act; and that it shall be lawful for the Master, 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 Person who may be the Master or Owner of any registered Ship; and all such voluntary Apprentices may, during the Term for which they shall be bound, be employed in any Ship of which the Master of any such Apprentice may be the Master or Owner: Provided always, that every such Assignment shall be registered and indorsed by the said Registrar, or by the Collector or Comptroller of the Customs at the Port where the Master shall be resident, or to which his Ship shall belong, in which latter Case the said Collector or Comptroller shall notify the same to the said Registrar as is herein-before provided with regard to the Indenture of such Apprentice.

Assignments to be registered.

Agreements and Indentures exempt from Stamp Duty.

XXXV. And be it further enacted, That all Agreements with the Crew of a Ship made in pursuance of and in conformity with this Act, and all Indentures of Parish and voluntary Apprentices to the Sea Service, and all Counterparts and Assignments of such Indentures to be respectively executed after the passing of this Act, shall be wholly exempt from Stamp Duty.

Penalty on Masters neglecting

XXXVI. And be it further enacted, That if any Master to whom any Apprentice mentioned in this Act shall be bound or assigned



assigned shall neglect to cause the Indenture or the Assignment thereof (as the Case may be) to be registered as required by this Act, or shall, after the Ship shall have cleared Outwards on the Voyage upon which such Ship may be bound, suffer his Apprentice to quit his Service (not entering into that of His Majesty), except in case of Death, Desertion, Sickness, or other unavoidable Cause, to be certified in the Log Book of the Ship, every such Master shall for every such Offence forfeit and pay the Sum of Ten Pounds.

XXXVII. And be it further enacted, That any Two or more Justices of the Peace residing at or near to any Port at which any Ship as aforesaid, having on board thereof any Sea 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 their Apprentices, or of Misbehaviour on the Part of any such Apprentice, and to make such Orders therein as they are empowered by Law to do in other Cases between Masters and Apprentices.

XXXVIII. 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 said Act should be extended to similar Offences committed on board Merchant Ships as herein-after provided; be it therefore further enacted, That in the Case of any Assault or Battery which shall after the Commencement of this Act be committed on board any Merchant Ship belonging to any Subject of the United Kingdom in any Place at Sea, or out of His Majesty's Dominions, it shall be lawful for any Two Justices of the Peace in any Part of His Majesty's Dominions, 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, subject however to such Provisions and Limitations as are contained in the said Act with respect to the Cases of Assault and Battery therein mentioned; and the Fine or Forfeiture to be imposed in any such Case shall be payable to the Merchant Seamen's Hospital or Institution at or nearest to the Port or Place where such Adjudication shall be made.

XXXIX. And be it further enacted, That no Parish or voluntary Apprentice to the Sea Service shall be at liberty to enter into the Naval Service of His Majesty during the Period of his Apprenticeship without the Consent of his Master; but if nevertheless he shall voluntarily enter on board any of His Majesty's Ships of War, 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 His Majesty's Service during the Residue of the Term of his Apprenticeship, shall, upon the Production of his Indenture, be entitled, at the Time of paying off the Ship, to receive to his own

to register Indentures, and for suffering Apprentices to quit their Service.

Justices to determine Complaints.

Common Assaults may be summarily punished by Two Justices.

Masters entitled to receive the Wages of Apprentices entering into the Navy.

Use any Balance of Wages that may be then due and payable to any such Apprentice up to the Period of the Expiration of his Indenture.

Forcing on Shore or leaving behind any Person belonging to the Crew deemed a Misdemeanor.

XL. 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 further enacted, That if any Master of a Ship belonging to any Subject of the United Kingdom shall force on Shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on Shore or at Sea, in any Place in or out of His Majesty's Dominions, any Person belonging to his Crew, before the Return to or Arrival of such Ship in the United Kingdom, or before the Completion of the Voyage or Voyages for which such Person shall have been engaged, whether such Person shall have formed Part of the original Crew or not, every Person so offending shall be deemed guilty of a Misdemeanor, and shall suffer such Punishment by Fine or Imprisonment or both as to the Court before which he shall be convicted shall seem meet; and the said Offence may be prosecuted by Information at the Suit of the Attorney General on behalf of His Majesty, or by Indictment or other Proceeding in any Court having Criminal Jurisdiction in His Majesty's Dominions at Home or Abroad, where such Master or other Person as aforesaid shall happen to be, although the Place where the Offence may be therein averred to have been committed (which Averment is hereby required to be substantially according to the Fact) shall appear to be out of the ordinary local Jurisdiction of such Court; and such Court is hereby authorized to issue a Commission or Commissions for the Examination of any 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 Witnesses shall be then absent, shall be received in Evidence.

Jurisdiction of Courts for trying such Misdemeanors.

Seamen not to be discharged Abroad, without Sanction of One of certain Functionaries;

XLI. And be it further enacted, That no such Master shall discharge any individual Person of his Crew, whether *British* Subject or Foreigner, at any of His Majesty's Colonies or Plantations, without the previous Sanction in Writing of the Governor, Lieutenant Governor, Secretary or other Officer appointed in that Behalf by the Government there, or in the Absence of all such Authorities at or near to the Port or Place at which the Ship shall be then lying, then of the chief Officer of Customs of such Colony or Plantation resident at or near to such Port or Place; nor shall he discharge any such Person at any other Place Abroad without the like previous Sanction in Writing of His Majesty's Minister, Consul, or Vice-Consul there, or in the Absence of any such Functionary, then of Two respectable Merchants resident there; all which said Functionaries respectively are hereby authorized and required, and all which said Merchants are hereby authorized, in a summary Way to inquire into the Grounds of any such proposed Discharge by Examination on Oath, and thereupon to grant or refuse such Sanction according to their Discretion, having Regard to the Objects of this Act.

**XLII.** And be it further enacted, That no such Master shall be at liberty to leave behind at any Place Abroad, either on Shore or at Sea, any Person of his Crew as aforesaid, on the Plea of such Person not being in a Condition to proceed on the Voyage, or having deserted from the Ship, or otherwise disappeared, unless upon a previous Certificate in Writing of One of such Functionaries or Merchants as aforesaid, if there be any such at or within a reasonable Distance from the Place where the Ship shall then be, if there be Time to procure the same, certifying that such Person is not in such Condition, or has deserted or disappeared, and cannot be brought back; and all such Functionaries as aforesaid are hereby authorized and required, on the Application of any such Master, to inquire by Examination on Oath into the Circumstances, and to give or refuse such Certificate according to the Result of such Examination.

**XLIII.** And be it further enacted, That if any such Master shall leave behind any One of his Crew as aforesaid contrary to this Act, in any Indictment or Proceeding the Proof of his having obtained such Sanction or Certificate as aforesaid shall be upon him, it being the Intention hereof, that, except in the Case of entering into His Majesty's Naval Service, no Person of the Crew shall be discharged, either with or without his Consent, in any Place Abroad where such Functionary can be found, unless he shall have given such Sanction thereto.

**XLIV.** And be it further enacted, That every such Master who shall leave any Person of his Crew as aforesaid on Shore at any 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 to the Seaman either in Money or by a Bill drawn upon the Owner of his Ship; and if by Bill, then such Functionary or Merchant, according to the Case, is hereby authorized and required by Certificate indorsed on such Bill to testify that the same is drawn according to this Act for Money due on account of Wages of a Seaman, or to that Effect; and any such Master who shall deliver a false Account, or refuse or neglect to deliver a just and true Account of the Wages due to such Person, and to pay the Amount thereof in Money or by Bill as aforesaid, shall for every such Offence forfeit and pay, in addition to the Wages due, the penal Sum of Twenty-five Pounds.

**XLV.** Provided always, and be it further enacted, That nothing in this Act or in any Agreement contained shall be deemed to extend to prevent any Seaman or Person belonging to any Merchant Ship whatever from entering or being received into the Naval Service of His Majesty, nor shall any such Entry be deemed a Desertion from the Merchant Ship, nor incur any Penalty or Forfeiture whatever, either of Wages, Clothes, or Effects, or other Matter or Thing, notwithstanding any Agreement made to the contrary hereof; and all Masters and Owners of Ships are strictly prohibited from introducing into any Ship's Articles or Agreement with the Crew any Clause or Matter by

nor to be left Abroad on the Plea of Incapacity to proceed, Desertion, or Disappearance, without a similar Authority.

If any of the Crew are left behind, the Proof of Sanction or Authority shall be upon the Master.

Seamen when allowed to be left behind to be paid their Wages.

Act not to extend to prevent Seamen from entering into the Navy.

which any Penalty or Forfeiture of any Kind is agreed to be incurred by a Seaman upon his Entry into His Majesty's Service.

Upon Entry of Seamen into the Navy from Merchant Ships they shall be entitled to the immediate Delivery up of their Clothes and Payment of any Wages that may be due.

XLVI. And be it further enacted, That when any Seaman shall quit a Merchant Ship in order to enter into His 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 a total Desertion, he shall be entitled immediately upon such Entry to the Delivery up of all his Clothes and Effects on board such Merchant Ship, and (in case the Ship shall have earned Freight) to receive from the Master the Payment of the proportionate Amount of his Wages up to the Period of such Entry, either in Money or by a Bill on the Owner thereof; all which Clothes, Effects, Money, and Bill such Master is hereby required to deliver up to him accordingly, under a Penalty of Twenty-five Pounds for any Refusal or Neglect, to be recovered, with full Costs of Suit, by such Seaman: Provided always, that if no Freight shall have been earned at the Time of such Entry, then the Master shall and he is hereby required to give the Seaman so entering a Bill upon the Owner for his Wages to the Period of such Entry, payable on the Ship's safe Arrival at her destined Port; but in case the Master shall have no Means of ascertaining the Balance justly due he shall make out and deliver to such Seaman a Certificate of the Period of his Services and the Rate of Wages he is entitled to, producing at the same Time to the Commanding or other Officer of His Majesty's Ship the Agreement entered into with the Seaman for the Voyage; and every such Master upon the Delivery up of such Clothes and Effects and the Settlement of such Wages in manner herein mentioned, shall be entitled to receive from the Officer in Command of the Ship of His Majesty into which such Seaman shall have entered a Certificate signed by the said Officer, which such Officer is hereby required to give upon the Request of the Master, testifying that such Seaman has entered into such Ship of His Majesty to serve, as Proof that the Master had not parted with the Seaman contrary to the Provisions of this Act.

Power to His Majesty to sue for the Amount advanced for the Relief of Seamen left Abroad.

XLVII. And be it further enacted, That in all Cases where any Master shall have forced on Shore or left behind any Person against the Provisions of this Act, and such Person 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 under any Act hereafter to be passed, then, in addition to the Wages due from and the Penalties imposed on such Master, His Majesty shall be entitled to sue such Master or the Owner of the Ship, at the Option 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 on the Subsistence, necessary Clothing, and Conveyance Home of any such Person, as so much Money paid, laid out, and expended to the Use of the Defendant, which, together with full Costs of Suit, may be recovered in the same Manner as other Debts due to His Majesty are recoverable in any Court having Jurisdiction in Cases of Debts due to the

Crown;

Crown; and in any Proceeding for that Purpose Proof of the Account furnished to the said Commissioners by any One of 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 Proof of Payment by the said Commissioners or by the Treasurer of the Navy of the Charges incurred on account of any such Person, be sufficient Evidence that such Person was relieved and conveyed Home, according to the Intent of the said Act, at His 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 Abroad, and the Depositions taken under such Commission or Commissions shall be received as Evidence.

XLVIII. And in order the more effectually to secure a Compliance with the Provisions of this Act, be it further enacted, That every Master of a Ship belonging to any Subject of His Majesty, on his Arrival at any Foreign Port where there shall be a *British* Consul or Vice-Consul, shall deliver to such Consul or Vice-Consul the Agreement with his Ship's Crew, to be by such Consul or Vice-Consul preserved during the Ship's Stay there, and to be returned to the Master before his leaving the Port, without any Fee or Charge being made for the same; and if any such Master shall refuse or neglect to deliver any such Agreement to the Consul or Vice-Consul, as is hereby required, he shall for every such Offence forfeit and pay the Sum of Twenty-five Pounds.

XLIX. And be it also enacted, That during the Ship's Stay at any such Foreign Port no Seaman shall be shipped by any such Master except with the Privy of such Consul or Vice-Consul, to be indorsed or certified on the Agreement, under a Penalty of Twenty-five Pounds to be forfeited by any such Master for every Seaman who shall be so shipped in Breach of this Act.

L. And be it further enacted, That the Master of every Ship belonging to any Subject of His Majesty as aforesaid shall and he is hereby required to produce and show the Muster Roll of the Ship and the Agreement with his Crew to the Captain, Commander, or other Commissioned Officer of any of His Majesty's Ships requiring a Production and Sight thereof; and that it shall be lawful for any such Officer in His Majesty's Naval Service, if he shall think it necessary so to do, to muster the Crew and Passengers (if any) of any Ship belonging to any Subject as aforesaid, in order to be satisfied that the Provisions of this Act and of any other Act by which the Crews of Merchant Ships are regulated, and the Laws relating to Navigation with respect to the Crews of Merchant Ships, have been duly complied with; and if any such Master shall, upon being required so to do by any such Officer, neglect or refuse to produce such Muster Roll or such Agreement, or shall obstruct any such Officer in the Execution of his Duty in mustering the said Crew or Passengers, or shall produce any false Muster Roll, he shall for every such Offence forfeit and pay the Sum of Twenty-five Pounds.

LI. And be it further enacted, That for the better carrying into effect the Purposes of this Act it shall be lawful for the said Registrar

Ship's Agreement on Arrival at a Foreign Port to be deposited with the Consul.

Penalty for Neglect.

No Seaman to be shipped at a Foreign Port without Privy of Consul.

Masters to produce Agreements to Officers of King's Ships.

Registrar and Officers of Customs em-

powered to require Production of the Agreement and Muster Roll.

Registrar and his Assistants, and also for the respective Collectors or other 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 hereby required to enter into an Agreement with his Crew the Production of the Muster Roll of the Ship and also of such Agreement, with Liberty to take a Copy of either or both, and to muster the Crew and Apprentices of such Ship, for the Purpose of ascertaining whether the Provisions of this Act and of the Laws relating to Navigation have been complied with; and if any such Master, on such Demand being made, shall refuse or neglect to produce such Muster Roll or Agreement, or shall refuse to allow a Copy of either Document to be taken, or shall refuse to permit or shall prevent his Crew and Apprentices from being so mustered, he shall for every such Neglect, Refusal, or Offence forfeit and pay the Sum of Fifty Pounds.

Definition of the Terms Master, Seaman, Ship, and Owner.

LII. And to avoid Doubts in the Construction of this Act, be it further enacted, That every Person having the Charge or Command of any Ship belonging to any Subject of the United Kingdom 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 in like Manner be deemed and taken to be a Seaman within the Meaning and for the Purposes of this Act; and that the Term "Ship," as used in this Act, shall be taken and understood to comprehend every Description of Vessel navigating on the Sea; and that the Term "Owner," as applied to a Ship, shall be understood to comprehend all the several Persons, if more than One, to whom the Ship shall belong; and that all Steam and other Vessels employed in carrying Passengers or Goods shall be deemed Trading Ships within the Meaning and for the Purposes of this Act.

Recovery of Penalties.

LIII. And be it further 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 of Suit, in manner following; (that is to say,) all Penalties and Forfeitures not exceeding Twenty Pounds shall be recoverable at the Suit of any Person by Information and summary Proceeding before any One or more Justice or Justices of the Peace in any Part of His Majesty's Dominions, residing near to the Place where the Offence shall be committed or where the Offender shall be, which Justice or Justices shall have full Power to levy the Amount of any such Penalty or Forfeiture and Costs by Distress and Sale of the Offender's Goods, or by Commitment of the Offender for Nonpayment of the Amount; and all Penalties and Forfeitures exceeding Twenty Pounds shall and may be recovered, with Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, *Edinburgh*, or *Dublin*, or in the Colonies, at the Suit of His Majesty's Attorney General or other chief Law Officer of the Crown in any Part of His Majesty's Dominions other than in *Scotland*, and if in *Scotland* at the Suit of the Lord Advocate; and that all Penalties and Forfeitures mentioned in this Act for which no specific Application is herein-before provided

Application of Forfeitures.

vided shall, when recovered, be paid and applied in manner following; (that is to say,) One Moiety of every such Penalty shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered, and the Residue shall be divided between *Greenwich* Hospital and the Merchant Seamen's Hospital or Institution at the Port to which the Ship shall belong, and if there shall be none such at the said Port, then the whole of the said Residue shall be paid to *Greenwich* Hospital: 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, in such Manner, however, that no such Penalty shall be reduced below One Half of its original Amount: And 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 on the *European* Side of those Limits, or within Six Calendar Months after the Return of the Offender or the complaining Party to the United Kingdom.

LIV. Provided always, and be it further 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; any thing herein-before contained to the contrary in anywise notwithstanding.

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

As to Ships  
of any Colony  
having a  
Legislature.

Act may be  
amended during  
this Session.

## SCHEDULES to which this Act refers.

### SCHEDULE (A.)

AN AGREEMENT made, pursuant to the Directions of an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King William the Fourth, between \_\_\_\_\_ the Master of the Ship \_\_\_\_\_ of the Port of \_\_\_\_\_ and of the Burthen 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 back to the Port of \_\_\_\_\_ 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 in 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

*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. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

Place and Time of Entry.			Men's Names.	Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.	Witness to Signature.	Name of Ship in which the Seaman last served.
Day.	Month.	Year.							

*Note.*—Any Embezzlement or wilful or negligent Loss or Destruction of any Part of the Ship's Cargo or Stores may 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 enter himself as qualified for a Duty to which he shall prove to be not competent, he will be subject to a Reduction of the Rate of Wages hereby agreed for in proportion to his Incompetency.

#### SCHEDULE (B.)

AN AGREEMENT made, pursuant to the Directions of an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King William the Fourth, between \_\_\_\_\_ the Master of the Ship \_\_\_\_\_ of the Port of \_\_\_\_\_ and of the Burthen 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 trading 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 Port on 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 in 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,



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 than a Port in the United Kingdom. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

Place and Time of Entry.			Men's Names.	Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.	Witness to Signature.	Name of Ship in which the Seaman last served.
Day.	Month.	Year.							

*Note.*—Any Embezzlement or wilful or negligent Loss or Destruction of any Part of the Ship's Cargo or Stores may 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 enter himself as qualified for a Duty to which he shall prove to be not competent, he will be subject to a Reduction of the Rate of Wages hereby agreed for in proportion to his Incompetency.

### SCHEDULE (C.)

Ship of the Port of whereof was Master.  
 A LIST of the CREW (including the Master and Apprentices) at the Period of her sailing from the Port of in the United Kingdom, from which she took her first Departure on her Voyage to and of the Men who joined the Ship subsequent to such Departure and until her Return to the Port of being her Port of Destination in the United Kingdom.

Name.	Place of Birth.	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.

*Note.*—If any one of the Crew has entered His Majesty's Service, the Name of the King'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 being signed by the Master, is to be delivered by him to the Collector or Comptroller of the Customs, on reporting his Ship Inwards, on her Arrival at her Port of Destination in the United Kingdom.

## SCHEDULE (D.)

An ACCOUNT of the VOYAGES in which the Ship \_\_\_\_\_ of \_\_\_\_\_ has been engaged in the Half Year commencing on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ and ending on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ and of all the Persons (Master and Apprentices included) who have belonged to such Ship during that Period.

## ACCOUNT OF THE VOYAGES.

[Here the several Voyages and the Periods of such Voyages are to be described.]

## ACCOUNT OF THE CREW.

Name.	Age.	Place of Birth.	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.

*Note.*—If any one of the Crew shall have entered His Majesty's Service, the Name of the King'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, and deposited with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong, or with the Registrar of Merchant Seamen in London.

## C A P. XX.

An Act to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto. [30th July 1835.]

4 & 5 W. 4. c. 60. **W**HEREAS under and by virtue of an Act passed in the last Session of Parliament, intituled *An Act to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes*, the several Duties, Matters, and Things theretofore under the Care and Management of the Commissioners of Stamps and of the Commissioners for the Affairs of Taxes respectively were placed under the Care and Management of One consolidated Board of Commissioners called "The Commissioners of Stamps and Taxes": And whereas it is expedient that the Receiver General of Stamp Duties in England should become and be also the Receiver General of Land and Assessed Taxes, and that the said Two several Offices should be consolidated into One Office, and the Duties thereof

' be regulated in the Manner herein-after mentioned: ' Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the Person in whom the Office of Receiver General of Stamp Duties in *England* shall be then vested shall, without any further or other Authority than this Act, become and be also the Receiver General of Land and Assessed Taxes, and the said Two several Offices of Receiver General of Stamp Duties and Receiver General of Land and Assessed Taxes shall be and the same are hereby consolidated into One Office; and such Receiver General, as well as every other Person who shall be at any Time hereafter appointed to the said consolidated Office, shall be termed " The Receiver General of Stamps and Taxes."

Offices of Receiver General of Stamp Duties and Receiver General of Land and Assessed Taxes consolidated into One Office.

II. ' And whereas it is expedient that the Two several Offices of Accountant and Comptroller General of Stamp Duties and Comptroller of Accounts of Land and Assessed Taxes in *England* should also be consolidated into One Office; ' be it enacted, That from and after the Commencement of this Act the said Two last-mentioned Offices shall be and the same are hereby consolidated into One Office; and such consolidated Office shall, without any further or other Authority than this Act, vest in the Person in whom at the Time of the Commencement of this Act the said Office of Accountant and Comptroller General of Stamp Duties shall or may be vested; and such Person, as well as every other Person who shall be at any Time hereafter appointed to the said last-mentioned consolidated Office, shall be termed " The Accountant and Comptroller General of Stamps and Taxes."

Offices of Accountant and Comptroller General of Stamp Duties and Comptroller of Land and Assessed Taxes consolidated into One Office.

III. And be it enacted, That the Persons in whom respectively the said Offices of Receiver General of Stamps and Taxes and Accountant and Comptroller General of Stamps and Taxes are by this Act severally vested shall hold their said respective Offices during the Pleasure of His Majesty, His Heirs and Successors, and no longer, and when and so soon as the said several Offices shall respectively become vacant, and from Time to Time afterwards whenever any Vacancy shall occur in either of such Offices, it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to nominate and appoint a fit and proper Person to fill such vacant Office; and every such Person so to be appointed as last mentioned shall hold his said Office during the Pleasure of the said Commissioners of His Majesty's Treasury for the Time being, and no longer.

Persons appointed respectively Receiver General and Accountant and Comptroller General to hold their Offices during Pleasure.

IV. And be it enacted, That the said Receiver General of Stamps and Taxes shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Receiver General of Stamp Duties in *England* under or by virtue of any Act or Acts in force at the Time of the passing of this Act, or otherwise howsoever; and the said Accountant and Comptroller General of Stamps and Taxes shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the

Powers and Authorities given by former Acts to vest in the Receiver General of Stamps and Taxes and the Accountant and Comptroller

General of Stamps and Taxes respectively.

the Accountant and Comptroller General of Stamp Duties under or by virtue of any such Act or Acts as aforesaid, or otherwise howsoever; and all such Powers and Authorities shall be and are hereby given to and vested in the said Receiver General of Stamps and Taxes and the said Accountant and Comptroller General of Stamps and Taxes respectively, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all Clauses, Regulations, Provisions, Penalties, and Forfeitures relating thereto respectively, were severally repeated and re-enacted in this Act and made Part thereof.

All Monies arising from Stamp Duties and from the Land and Assessed Taxes to be paid or remitted to the Commissioners or the Receiver General of Stamps and Taxes.

V. And be it enacted, That all Stamp Duties, and all Monies from Time to Time collected or received for the Land Tax, or payable for the Sale and Redemption thereof, and all the Rates and Duties of Assessed Taxes, and all Compositions for Assessed Taxes, and all other Duties and Sums of Money whatsoever, now or at any Time hereafter under the Care or Management of the Commissioners of Stamps and Taxes, and which shall be collected or received in any Part of *Great Britain*, shall from Time to Time be paid or remitted by the several Distributors of Stamps and Receiving Inspectors of Taxes, and other Receivers of the said Duties and Monies respectively, or by the several Remitters thereof, to the said last-mentioned Commissioners, or to the said Receiver General of Stamps and Taxes, at such Times, in such Manner, and under such Rules and Regulations as the said Commissioners of Stamps and Taxes shall from Time to Time direct or appoint; and all Monies, Drafts, Bills, Notes, or other Orders or Securities for the Payment of Money which shall from Time to Time be received by the said Receiver General for or on account of any of the Duties, Rates, and Taxes aforesaid, or any of them, or otherwise, for the Use of His Majesty, (except only so much thereof as the said Receiver General shall be authorized by the Commissioners of Stamps and Taxes, under the Sanction of the Commissioners of His Majesty's Treasury, to retain for the Public Service,) shall be paid by the said Receiver General into the Bank of *England*, and shall be transferred to the Credit of His Majesty's Exchequer, in such Manner, at such Times, and under such Rules and Regulations as the Commissioners of Stamps and Taxes, under the Authority of the said Commissioners of His Majesty's Treasury, shall from Time to Time direct or appoint; any thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

Monies, &c. received by the Receiver General to be paid into the Bank of *England* to the Credit of the Exchequer.

Office of Receiver General of "The *London District*" abolished; and Collectors of that District of Receipt to make their Payments to the Receiver General of Stamps and Taxes at the Head Office.

VI. And be it enacted, That from and after the Commencement of this Act the Office of Receiver General of the Land and Assessed Taxes for the District or Circuit of Receipt called "The *London Receipt*," shall cease and be abolished; and the several Collectors of the Land and Assessed Taxes within the said District or Circuit shall, with the Privy and under the Superintendence and Direction of the Inspector of Taxes for the Metropolitan District, or such other Person as the Commissioners of His Majesty's Treasury for the Time being may nominate or appoint for that Purpose, pay all the Duties and Sums of Money from Time to Time collected or received by them respectively to the said Receiver General of Stamps and Taxes at the Head Office, or at such Place or Places as the Commissioners of

Stamps and Taxes shall from Time to Time appoint, and under and subject to such Rules and Regulations as may be from Time to Time directed or appointed by the said last-mentioned Commissioners in that Behalf; and every such Collector is hereby strictly enjoined and required, under the Penalty imposed on Collectors for Neglect of Duty by the several Acts in force, to attend at the said Head Office, or at such other Place or Places as shall be appointed in manner aforesaid, and to make his Payments to the said Receiver General of Stamps and Taxes accordingly: Provided always, that it shall be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, to annex any Part or Parts of the said District or Circuit of Receipt called "The London Receipt" to any adjoining District or Districts of Receipt, as to the said last-mentioned Commissioners may appear to be necessary or expedient; and from thenceforth the Collector or Collectors of the Part or Parts so annexed to any adjoining District or Districts as aforesaid shall pay the Duties and Sums of Money collected or received by him or them to the Receiving Inspector or other Receiver for the Time being appointed to such adjoining District or Districts.

Commissioners of the Treasury may annex any Part of the London District of Receipt to any adjoining District.

VII. And be it enacted, That the Inspector of Taxes for the Metropolitan District for the Time being, or such other Person as shall be nominated or appointed as aforesaid for the Purpose of superintending and directing the Payment of the Taxes to the Receiver General of Stamps and Taxes by the several Collectors of the said District or Circuit called "The London Receipt," shall have, use, and exercise all such Powers and Authorities, and perform all such Duties (save and except the actual Receipt of Money), within or for the said District or Circuit of Receipt, with relation to the Taxes arising or collected within the same as are now given to or vested in or performed by the several Receiving Inspectors of Taxes within or for their respective Districts by or under any Act or Acts in force at the Time of the passing of this Act; and the Certificate of the said Inspector of Taxes for the Metropolitan District, or of such other Person as aforesaid, to the Barons of the Court of Exchequer, of any Failure, Neglect, or Omission in the assessing, charging, raising, or accounting for any of the said Taxes within the said District, or of any Schedule of Defaulters in the Payment thereof, shall be as valid and have the same Force and Effect as any similar Certificate heretofore made by any Receiver General, or now made by any Receiving Inspector within their respective Districts, under or in pursuance of the several Statutes in that Behalf.

Inspector of Taxes for the Metropolitan District to have the same Powers within the London District of Receipt as the Receiving Inspectors within their Districts.

VIII. And be it enacted, That the said Receiver General of Stamps and Taxes shall keep Accounts of all Monies which shall be received by him, arising from Stamp Duties, and from the Land Tax, and the Sale and Redemption thereof, and also from the Duties of Assessed Taxes, or Compositions for Assessed Taxes, and of all other Monies whatsoever which he shall receive for the Use of His Majesty, His Heirs or Successors, and shall annually render such Accounts to the Commissioners for auditing the Public Accounts; and every such Account shall be made up to the Fifth Day of January in every Year, or to such other

Receiver General annually to render Accounts of Monies received to the Commissioners for auditing the Public Accounts.

Period in every Year as the Commissioners of His Majesty's Treasury shall appoint; and every such Account shall be delivered to the said Commissioners for auditing the Public Accounts within such Time as the Commissioners of the Treasury shall limit or appoint in that Behalf.

Accountant and Comptroller General to pass an Account annually before the Commissioners for auditing the Public Accounts.

IX. And be it enacted, That the said Accountant and Comptroller General of Stamps and Taxes shall annually pass before the Commissioners for auditing the Public Accounts a general Account of all the several Duties, Revenues, and Monies which now are or from Time to Time may be under the Care or Management of the Commissioners of Stamps and Taxes; and every such general Account as aforesaid shall be made up to the Fifth Day of *January* in every Year, or to such other Period in every Year as the Commissioners of His Majesty's Treasury shall direct, and shall be delivered by the said Accountant and Comptroller General to the said Commissioners for auditing the Public Accounts within such Time as shall be limited by the said Commissioners of His Majesty's Treasury for that Purpose; and the first of such Accounts shall be rendered in the Year One thousand eight hundred and thirty-six.

Receiving Inspectors or other Receivers of Taxes to render their Accounts to the Commissioners of Stamps and Taxes.

X. And be it enacted, That from and after the Commencement of this Act the several Receiving Inspectors or other Receivers of the Land and Assessed Taxes in any Part of *Great Britain* shall severally render their respective Accounts to the Commissioners of Stamps and Taxes, under such Orders, Rules, and Regulations as the said Commissioners shall make and appoint in that Behalf; and all such Accounts shall be examined, audited, and comptrolled by the Accountant and Comptroller General of Stamps and Taxes, and shall be deposited and remain in the Head Office of the said Commissioners; and so much and such Part and Parts of any Act or Acts now in force as require the Accounts of the said Receiving Inspectors or other Receivers of the Land and Assessed Taxes in *England* to be rendered to the Auditor or Auditors of the Land Revenue or the Commissioners for auditing the Public Accounts, or to be passed or made up for Declaration in the Office of the said Auditor or Auditors or of the said last-mentioned Commissioners, or to be declared before a Baron of His Majesty's Court of Exchequer, or to be transmitted to or enrolled in the Office of His Majesty's Remembrancer of the said Court, and also so much and such Part and Parts of any Act or Acts in force as require the Accounts of the said Receivers in *Scotland* to be taken and made up by the Auditor of the Court of Exchequer in *Scotland*, or to be sworn, allowed, or declared before the said last-mentioned Court, or before the Chief or other Baron of the said Court, or to be examined, entered, or enrolled in any of the Offices of the said Court, shall be and the same are hereby severally repealed: Provided always, that the Accounts of the Receiver General of Stamps and Taxes shall be enrolled in the Office of His Majesty's Remembrancer of the Court of Exchequer in *England* in like Manner as the Accounts of the Receiver General of Stamp Duties have been hitherto enrolled in the said Office.

So much of any Act as requires the Accounts of Receivers to be passed before the Auditors of the Land Revenue in *England* or the Auditor of the Exchequer in *Scotland*, &c. repealed.

Proviso.

In Cases where any County, &c. may

XI. And be it enacted, That so much of any Act or Acts as prohibits the setting in-super or charging any County, Division, Parish,

Parish, Ward, or Place, or any Person or Persons, unless the Account of the Receiver shall be declared and passed in the Exchequer within Two Years after the End of the Year for which the Rates or Duties shall be payable, shall be and the same is hereby repealed; and that in any Case in which by any Act or Acts now in force the Receiver General, Receiving Inspector, or other Receiver of the Land or Assessed Taxes in *England* is directed or authorized to set insuper or charge any County, Division, Parish, Ward, or Place, or any Person or Persons, for any Sum or Sums of Money in arrear or unpaid, it shall be lawful for the Commissioners of Stamps and Taxes, from Time to Time whenever they shall deem it expedient for the Public Service so to do, and although the Period so limited by any such Act or Acts as aforesaid may have expired, to transmit to His Majesty's Remembrancer of the Court of Exchequer a Certificate of all or any such Sum or Sums which may be now in arrear or which at any Time hereafter may become in arrear and be unpaid; and every such Certificate shall be signed by Two or more of the said Commissioners, and shall contain the Name or Names of every or any such County, Division, Parish, Ward, or Place, and of such Person or Persons as aforesaid, and the total Amount of the Sum or Sums in arrear or unpaid, and with which such County, Division, Parish, Ward, or Place, or such Person or Persons, is or are chargeable, and shall specify whether the same shall be due or owing in respect of the Land Tax or of the Assessed Taxes, and where there shall be Arrears of both the said Duties, distinguishing the Amount due or owing in respect of each; and the said Remembrancer, upon the Receipt of any such Certificate, shall cause the same to be enrolled in his Office, and such Enrolment shall be and be deemed a Record in his Office as valid and effectual to authorize the issuing of any Process or Processes in the Law against the County, Division, Parish, Ward, or Place, and the Person or Persons, so rendered chargeable, and to and for all other Intents, Constructions, and Purposes whatsoever, as if such County, Division, Parish, Ward, or Place, or Person or Persons, had been actually returned insuper in any declared Account duly enrolled as of Record in the Office of the said Remembrancer.

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to release, discharge, invalidate, or affect any Bond or Security heretofore entered into or given to His Majesty, or to the Commissioners of Stamps, or the Commissioners for the Affairs of Taxes, or the Commissioners of Stamps and Taxes, or to any Officer or Person in their respective Employ, by any Person or Persons whatsoever, either as Principal or Surety, for securing the due accounting for or Payment of any Duties or Monies under the Care or Management of any such Commissioners as aforesaid, or for the good Conduct of any Officer, Clerk, or other Person, or for any other Purpose whatsoever relating to the said Duties or Monies, or any of them respectively; and that wheresoever, in any such Bond or Security as aforesaid, or in the Condition thereof respectively, or in any Act or Acts now in force, Mention is made of the Receiver General of Stamp Duties or of the

be returned insuper for Arrear of Land or Assessed Taxes the Commissioners of Stamps and Taxes may transmit a Certificate thereof to the King's Remembrancer, which shall be enrolled in his Office, and be the Ground for Process.

Bonds and Securities not to be invalidated or affected by this Act.

Receiver General of Land and Assessed Taxes for the *London* District, the same, with reference to any Act, Matter, or Thing to be done or performed after the Commencement of this Act, shall be deemed and construed to apply to and to mean the Receiver General of Stamps and Taxes; and that whosoever in any such Bond or Security or Condition as aforesaid, or in any Act or Acts now in force, Mention is made of the Accountant and Comptroller General of Stamp Duties or the Comptroller of Accounts of Land and Assessed Taxes, the same, with reference to any such Act, Matter, or Thing as aforesaid, shall be deemed and construed to apply to and to mean the Accountant and Comptroller General of Stamps and Taxes.

43 G. 3. c. 99.

XIII. ' And whereas by an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same*, it is enacted, that the Commissioners of Taxes shall make out their Schedules containing the Sums discharged from Assessment for any Cause specially allowed by Law, and the Sums with which each and every Defaulter ought to be charged, and the Sums which shall not have been collected by Occasion of the Collector's Neglect, and which ought to be re-assessed on the Parish, Ward, or Place, and shall cause the said several Particulars to be inserted in a Schedule fairly written on Parchment under the Hands and Seals of such Commissioners or any Two or more of them, containing the Names and Surnames of the said Collectors, and the same to be delivered to the Receiver General, to be returned by such Receiver General into His Majesty's Court of Exchequer, whereupon every Person so making default of Payment, and each Parish, Ward, or Place so in default, may be charged by Process of Court according to the Course thereof in that Behalf: And whereas it is expedient that such Schedules as aforesaid should be deposited and remain with the said Commissioners of Stamps and Taxes at their Head Office; be it therefore enacted, That all such Schedules as aforesaid which shall be made out at any Time after the Commencement of this Act shall be delivered over or transmitted by the Receiver General, Receiving Inspector, or other Receiver to whom the same shall have been delivered, to the Commissioners of Stamps and Taxes, and shall be deposited and remain in the Head Office of the said last-mentioned Commissioners; and the Production of any Schedule so deposited and purporting to contain the Name or Names of any such Defaulter or Defaulters as aforesaid shall be conclusive Evidence against any Person named therein as making default of Payment, and against every Parish, Ward, or Place named therein as in default, of the Sum or Sums mentioned in any such Schedule being due and owing and in arrear and unpaid to His Majesty, His Heirs and Successors, unless Payment thereof shall be proved; and every such Sum shall be recoverable from the Person and Persons making default of Payment thereof as a Debt upon Record to the King's Majesty, His Heirs and Successors, with full Costs of Suit, and all Charges attending the same.

Parchment Schedules of Defaulters to be deposited with the Commissioners of Stamps and Taxes.

XIV. And



XIV. And be it enacted, That so much and such Part and Parts of any Act or Acts in force as require the Commissioners for the Affairs of Taxes to transmit to the King's Remembrancer in *England* the Parchment Duplicates of Assessments of the Land Tax or Assessed Taxes, shall be and the same are hereby repealed: Provided always, that such Duplicates shall continue to be furnished and transmitted to the Commissioners of Stamps and Taxes in the Manner directed and required by the Laws in force, and the same shall remain deposited in the Head Office of the said Commissioners.

Parchment Duplicates of Assessments not to be transmitted to the King's Remembrancer.

XV. And be it enacted, That if any Person, not being duly appointed for that Purpose or legally authorized in that Behalf, shall knowingly or wilfully take or receive from any Collector of the Land Tax or Collector of the Duties of Assessed Taxes any Sum or Sums of Money arising from any of the said Taxes or Duties collected or received by such Collector, the Person so taking or receiving such Sum or Sums of Money shall forfeit Double the Amount of the Sum or Sums so taken or received, to be recovered, for the Use of His Majesty, His Heirs or Successors, with full Costs of Suit, in His Majesty's Court of Exchequer, and to be applied in the same Manner as any other Penalty so recovered may be applied under the Authority of any of the Acts relating to the said Duties.

Penalty on Persons unlawfully receiving Public Monies from Collectors of Taxes.

XVI. And whereas by the last-recited Act where any Person shall quit his or her Place of Residence and remove to any other Parish or Place without first discharging or paying the Duties charged upon him or her, the Commissioners acting within the Parish or Place where such Duties are charged upon and unpaid by the Person removing as aforesaid are directed to sign and cause to be transmitted a Certificate thereof to the Commissioners acting within the Parish or Place where the Person making such Default or Payment shall happen to reside, which Commissioners, or any Two or more of them, are thereby directed and empowered to raise and levy the said Duties charged upon the Party removed as aforesaid: And whereas it frequently happens that no sufficient Distress can be found within the District or Division of the said last-mentioned Commissioners whereby the said Duties may be levied, and it is expedient to provide a further Remedy for the Recovery of the said Duties in such Cases; be it therefore enacted, That where, upon the Transmission of any such Certificate as aforesaid, no sufficient Distress can be found within the District or Division of the Commissioners acting for the Parish or Place within which the Person removed shall happen to reside whereby the said Duties may be levied, then and in every such Case any Two or more of such last-mentioned Commissioners are hereby authorized and required, by Warrant under their Hands and Seals, to commit the Person so making Default of Payment as aforesaid to the Common Gaol, there to be kept without Bail or Mainprize until Payment shall be made of the said Duties and of all reasonable Costs and Expences.

Commissioners of the District to which any Person shall remove without paying the Duties assessed, to commit such Person to Prison in default of sufficient Distress.

XVII. And be it enacted, That in any Case where, under or by virtue of any Act or Acts in force relating to the Duties of Assessed Taxes, or by or under this Act, the Commissioners of

Defaulters committed to Prison to be liable to the Payment of Taxes

the Expences  
of their Com-  
mitment.

Taxes are authorized to commit any Person to Prison in default of Payment of any of the said Duties, it shall be lawful for the said Commissioners by their Warrant of Commitment to direct that any such Person shall be detained and kept in Prison until Payment shall be made as well of the said Duties as of such further Sum as the said Commissioners shall adjudge to be reasonable for the Costs and Expences of apprehending such Person and of conveying him or her to Prison; and every such Person shall be detained and kept in Prison according to the Tenor and Effect of such Warrant.

Commissioners  
of Taxes, by the  
Direction of the  
Treasury or the  
Commissioners  
of Stamps and  
Taxes, may  
release Prisoners  
committed for  
Nonpayment of  
Duties or  
Penalties.

XVIII. And be it enacted, That where, under or by virtue of any Act or Acts in force, any Person hath been or shall be committed to Prison by or under any Warrant of the Commissioners of Taxes acting within or for any District or Division, for or by reason of his or her Neglect or Omission to pay any Duties which may have been assessed or charged upon him or her, or any Penalty incurred by him or her under any Act or Acts in force relating to the Land or Assessed Taxes, and he or she is or shall be detained in Custody solely under the Authority of any such Warrant as aforesaid, it shall be lawful for the same Commissioners, or for any Two or more of the Commissioners acting within or for the same District or Division, and they are hereby fully authorized and required, at the Request or by the Direction of the Commissioners of His Majesty's Treasury or the Commissioners of Stamps and Taxes for the Time being, signified in Writing signed by the Secretary or One of the Secretaries of the said respective Commissioners last mentioned, to issue their Warrant to the Gaoler or Keeper of any Gaol or Prison in which any such Person may be detained, for the Liberation of such Prisoner; and upon the Receipt of such last-mentioned Warrant such Gaoler or Keeper shall forthwith release and discharge out of Custody such Prisoner, if for no other Cause than as aforesaid he or she shall be detained.

Limitation of  
Actions for  
Matters done in  
pursuance of  
the Acts relat-  
ing to the Land  
Tax.

XIX. And for the Protection and Indemnity of the Commissioners and other Persons acting in the Execution of the several Acts relating to the Land Tax, be it enacted, That if any Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of any Act or Acts relating to the Land Tax, such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and no Writ or Process shall be sued out for the Commencement of such Action or Suit until One Calendar Month next after Notice in Writing shall have been delivered to or left at the usual Place of Abode of such Person or Persons by the Attorney or Agent for the intended Plaintiff or Plaintiffs, in which Notice shall be clearly and completely contained the Cause and Causes of Action, the Name and Place or Places of Abode of the intended Plaintiff or Plaintiffs, and of his or their Attorney or Agent; and no Evidence shall be given on the Trial of such Action or Suit of any Cause or Causes of Action other than such as is or are contained in such Notice; and the intended Defendant or Defendants to whom such Notice shall have been delivered may, at any Time before the Expiration

Notice of Ac-  
tions.

Tender of  
Amends.

Expiration of such Calendar Month, tender Amends to the intended Plaintiff or Plaintiffs, his or their Attorney or Agent, and in case such Amends shall not be accepted may plead such Tender in bar to any Action or Suit to be brought against him or them grounded on such Notice, Writ, or Process; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and also such Tender and any other Plea, with Leave of the Court, in bar of such Action or Suit, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if the Jury shall find for the Defendant in any such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and have the like Remedy for the same as any Defendant hath in any other Case to recover Costs by Law; and every such Action or Suit: which shall be brought against any Collector or Collectors of the Land Tax shall be defended by the Commissioners acting for the Division or Place where such Collector or Collectors shall have been appointed; and the Costs and Charges attending the same, as also any other Action or Suit to be brought by or against Commissioners or Collectors for any thing done in pursuance of any Act or Acts relating to the Land Tax, shall be defrayed by an Assessment made in a just Proportion on the several Lands, Tenements, and Hereditaments chargeable to raise the Quota fixed or assessed on the Parish or Place in or relating to which the alleged Cause of Action shall have arisen, or for which such Collector or Collectors shall have been appointed.

XX. ' And whereas by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend the Laws in England relative to Game*, it is amongst other Things enacted, that if any Person not having obtained a Game Certificate (except such Person be licensed to deal in Game according to the said Act) shall sell or offer for Sale any Game to any Person whatsoever, or if any Person authorized to sell Game under the said Act by virtue of a Game Certificate shall sell or offer for Sale any Game to any Person whatsoever, except a Person licensed to deal in Game according to the said Act, every such Offender shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so sold or offered for Sale such Sum of Money not exceeding Two Pounds as to the said Justices shall seem meet, together with the Costs of the Conviction; and it is by the said last-mentioned Act also enacted, that if any Person not being licensed to deal in Game according to the said Act shall buy any Game from any Person whatsoever, except from a Person licensed to deal in Game according to the said Act, or *bond fide* from a Person affixing to the Outside of the Front of his House, Shop, or Stall a Board purporting to be the Board of a Person licensed to deal in Game, every such Offender shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Head of Game so bought such Sum of Money not exceeding Five Pounds as to the said Justices

General Issue.

Treble Costs.

Actions brought against Collectors to be defended by the Commissioners of the District, and Costs and Charges thereof to be defrayed by an Assessment on the Parish.

1 &amp; 2 W. 4. c. 39.

Indemnity to Persons prosecuting for Offences committed against the recited Enactments.

‘ Justices shall seem meet, together with the Costs of the Conviction : And whereas it is expedient to protect and indemnify in the Manner herein-after mentioned Persons who inform and prosecute for Offences committed against the Provisions of the said recited Act ; be it therefore enacted, That from and after the passing of this Act every Person who shall inform and prosecute or give Evidence against any other Person or Persons for any Offence committed or to be committed against any of the said last-recited Enactments shall be indemnified, freed, and discharged from all and every Penalty and Penalties which he or she may have incurred or become liable to under the aforesaid Enactments, or any of them, for or by reason of any Transaction or Dealing which he or she may have had with the Person or Persons against whom he or she shall so inform and prosecute or give Evidence as aforesaid, provided the Information or Prosecution which the Person so informing and prosecuting as aforesaid shall have instituted, or upon which the Person shall give Evidence, shall have been commenced before the Institution of any Proceedings against him or her for the Recovery of any such Penalty or Penalties which he or she may have incurred or become liable to as aforesaid.

One Moiety of Penalties recovered to be paid to the Informer, and the other to the Overseer or Parish Officer.

XXI. ‘ And whereas by the said last-recited Act certain Penalties and Forfeitures for Offences against the said Act are directed to be paid to some one of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate ; and it is expedient to reward the Persons who shall prosecute Offenders against the said Act ; be it therefore enacted, That from and after the passing of this Act one Moiety of all such Penalties and Forfeitures as by the said last-recited Act are directed to be paid and applied as aforesaid shall go and be paid to the Person who shall inform and prosecute for the same, and the other Moiety thereof only shall go and be paid to such Overseer or Officer as aforesaid, and be by him applied in the Manner by the said last-recited Act directed ; and the Form of Conviction set forth in the said last-recited Act shall, so far as relates to the Distribution of the Penalty for which Judgment shall be given, be made according to the Fact and conformably with the Direction given by this Act as to such Distribution.

Duties on Hawkers and Pedlars in Scotland granted by 55 G. 3. c. 71. to be paid to Commissioners of Stamps and Taxes.

XXII. ‘ And whereas it is expedient to transfer the Collection and Management of the Duties on Hawkers and Pedlars in Scotland from the Commissioners mentioned in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate Hawkers and Pedlars in Scotland*, and to place such Duties under the Care and Management of the Commissioners of Stamps and Taxes ; be it therefore enacted, That from and after the Commencement of this Act the Rates and Duties granted and made payable by the said last-recited Act shall be payable and paid to and shall be under the Care and Management of the Commissioners of Stamps

Stamps and Taxes for the Time being, and shall be denominated and deemed to be Stamp Duties.

XXIII. And be it enacted, That all and singular the Powers and Authorities, Rules, Regulations, and Directions contained in the said last-recited Act shall be used, executed, exercised, and put in force for the securing and collecting of the Duties thereby imposed by the Commissioners of Stamps and Taxes, as fully and effectually, to all Intents and Purposes, as if all and singular such Powers and Authorities, Rules, Regulations, and Directions had been originally given and granted to such Commissioners of Stamps and Taxes, and as if the same were repeated and re-enacted in this Act; and it shall be lawful for such Commissioners of Stamps and Taxes, or any Person or Persons to be nominated by them for that Purpose, to grant Licences to Hawkers and Pedlars in *Scotland*, and to manage the said Duties in like Manner as the Commissioners nominated and appointed by the said recited Act might have done before the passing of this Act; and that all Fines, Penalties, and Forfeitures imposed by the said recited Act in respect of any Matter or Thing to be done, or refused or neglected to be done, by any Person or Persons in anyways relating to such Duties and Licences, shall be incurred and forfeited, and shall and may be sued for, recovered, and levied, mitigated, and applied, upon and in respect of the doing or neglecting to do any Acts, Matters, or Things relating to the said Duties and Licences by this Act placed under the Care and Management of the said Commissioners of Stamps and Taxes.

Powers of  
55 G. 3. c. 71.  
shall be put in  
force by the  
Commissioners  
of Stamps and  
Taxes.

Penalties, &c.  
how to be  
sued for.

XXIV. 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 Commencement of this Act, in relation to any of the Duties under the Management of the Commissioners of Stamps and Taxes, so far as the same or any of them may be applicable to the said Duties on Hawkers and Pedlars, shall be in full Force and Effect, and shall be observed, applied, enforced, and put in execution with respect to the Duties by this Act placed under the Management of the said Commissioners of Stamps and Taxes, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating to the said Duties, 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 Duties by this Act placed under the Management of the said Commissioners of Stamps and Taxes.

Powers, &c. of  
former Acts in  
relation to  
Duties under  
Commissioners  
of Stamps and  
Taxes shall be  
put in force  
with respect to  
the Duties put  
under their  
Management  
by this Act.

XXV. And be it enacted, That where no other Period is fixed for the Commencement of this Act the same shall commence and take effect on the First Day of *August* One thousand eight hundred and thirty-five; and that this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act to com-  
mence on the  
1st August;  
and may be  
altered this  
Session.

## C A P. XXI.

An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for vesting in Commissioners the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty, from the future Repair and Maintenance thereof; and for repealing so much of the said Acts as affects the said Line of Road.

[30th July 1835.]

59 G. 3. c. 30.

‘ **W**HEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting in Commissioners the Line of Road from Shrewsbury in the County of Salop to Bangor Ferry in the County of Carnarvon; and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His present Majesty, from the future Repair and Maintenance thereof; and for altering and repealing so much of the said Acts as affects the said Line of Road*: And whereas an Act was passed in the

59 G. 3. c. 48.

‘ said Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of His present Majesty, for granting to His Majesty the Sum of Twenty thousand Pounds towards repairing Roads between London and Holyhead by Chester, and between London and Bangor by Shrewsbury; and for giving additional Powers to the Commissioners therein named to build a Bridge over the Menai Straits, and to make a new Road from Bangor Ferry to Holyhead in the County of Anglesea*: And whereas the new Road from *Bangor Ferry to Holyhead*, authorized and directed to be made by the last-mentioned Act, was, soon after the passing the said Act, made and completed, and in pursuance of the Directions therein contained, the said Road was on its being completed transferred to and given up by the Commissioners therein named to the Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, and the same is now vested in the said last-mentioned Commissioners, and is repaired and maintained by them under the Powers and Provisions of the said last-mentioned Act, which are made applicable thereto by the said last before-recited Act: And whereas the said first-recited Act requires to be explained and amended, and some Enactments thereof to be repealed:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and Provisions of the said first-recited Act of the Fifty-ninth Year of His said Majesty King *George* the Third, except such or so much thereof as shall be

Powers of  
recited Act of  
G. 3. c-

hereby repealed, altered, or varied, shall be extended to this Act, and form Part of the same, as if the same had been repeated and re-enacted in this Act.

II. And be it further enacted, That all and every the Acts, Matters, Powers, and Things whatsoever by the said first-recited Act authorized or directed to be done by Five or more of the said Commissioners shall and may from and after the passing of this Act be done by Three or more of the said Commissioners in all respects as if by the said Act the said Acts, Matters, and Things had been authorized or directed to be done by Three or more of the said Commissioners instead of Five or more of the said Commissioners.

III. And be it further enacted, That so much of the said first-recited Act as enacts that in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners it shall be lawful for the surviving or remaining Commissioners, or any Nine or more of them, as therein is mentioned, to supply such Vacancies, shall be and the same is hereby repealed.

IV. And be it further enacted, That in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners it shall and may be lawful for the surviving or remaining Commissioners, or any Three or more of them, present at any Meeting to be held in pursuance of the said first-recited Act, to nominate and appoint such Person or Persons as they may think proper to supply such Vacancy or Vacancies; and that every Person so nominated shall be held and considered to be invested with all the same Powers as are delegated to the Persons appointed by the said first-recited Act or this Act in whose Room such Person shall be so nominated.

V. And be it further enacted, That so much of the said first-recited Act as enacts that it shall be lawful for the said Commissioners thereby appointed to take, from and after the First Day of *January* One thousand eight hundred and thirty-one, over and above the other Tolls by the same Act authorized to be taken at any and every Gate or Gates or Toll Bar along that Part of the said Line of Road lying between *Whitehurst's Gate* and *Bangor Ferry* thereby vested or directed to be thereafter vested in them, an additional Toll of Five Shillings for every Horse or other Beast therein mentioned and enumerated, under the Circumstances therein mentioned, shall be and the same is hereby repealed as and from the First Day of *June* One thousand eight hundred and thirty-six.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners to take, from and after the passing of this Act, at any or every Gate or Gates or Toll Bar along the said Line of Road from *Shrewsbury* to *Holyhead*, for every Horse or other Beast drawing any Four-wheeled Carriage the Weight of which together with the Loading thereof shall weigh above the Weight of Three Tons Ten Hundred Weight, and for every Horse or other Beast drawing any Two-wheeled Carriage the Weight of which together with the Loading thereof shall weigh above the Weight of One Ton Ten Hundred Weight, and for every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, Car, or Dray the Wheels whereof shall be of less Breadth

tended to this Act.

Five or more Commissioners may act instead of Three or more.

Repeal of Power to Nine or more Commissioners to supply Vacancies.

Three or more Commissioners may supply Vacancies.

Repeal of so much as authorizes Toll for Overweight and narrow Wheels between *Whitehurst's Gate* and *Bangor Ferry*.

Commissioners may take Tolls for Overweight and narrow Wheels along the whole Line of Road from *Shrewsbury* to *Holyhead*.

Breadth than Three Inches on the Bottom or Sole thereof, and for every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, Car, or Dray having Wheels with Tires fastened thereon with Nails the Heads of which are not countersunk, and which shall project above the Surface of the Tires, the Tolls following; that is to say, Double the Amount of such Tolls as would otherwise be payable under or by virtue of the said first-recited Act or of this Act.

So much as directs a Payment in lieu of Tolls on Knockin Road repealed.

VII. And be it further enacted, That so much of the said first-recited Act as enacts that the said Commissioners shall yearly pay to the Trustees therein mentioned the Sum of Fifty Pounds in lieu of the Tolls to be taken by the said Commissioners on the *Knockin* Road shall be and the same is hereby repealed.

Persons going and returning once in a Day only to be exempt from a Second Toll.

VIII. And whereas it is by the said recited Acts enacted, that no Person who shall have paid any such Tolls as are by the said Acts authorized to be taken by the said Commissioners for passing through any Turnpike standing on the said Lines of Road between *Shrewsbury* and *Bangor Ferry*, and between the Bridge across the *Menai Straits* and *Holyhead*, shall be subject to any Toll for returning through such Turnpike the same Day with the same Horse or Horses, Cattle or Carriages, but shall return Toll-free, except as in the said Acts is excepted; now be it enacted, That nothing in the said Acts contained shall exempt any Person from paying a second or other Toll who after having returned shall on the same Day again pass through any Turnpike in the said Acts mentioned, although it be with the same Horse or Horses, Cattle or Carriages, but that all such Persons so passing shall be again liable to pay such Tolls as are by the said Acts authorized to be taken by the said Commissioners as in the said Acts is mentioned; but such Persons, on again returning on the same Day with the same Horse or Horses, Cattle or Carriages, shall be exempt from Payment of Toll in respect of so returning.

Post Horses having passed through any Gate may return Toll-free before Eight in the Morning of the following Day.

IX. And be it further enacted, That all Horses travelling for Hire under the Post-horse Duties Acts, having passed through any Turnpike Gate erected or to be erected on the said Line of Road between *Shrewsbury* and *Holyhead*, drawing any Carriage in respect of which any Toll shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to repass Toll-free, although such Horses or Carriage shall not have passed through such Turnpike Gate on the same Day, provided that such Horses so travelling shall return before Eight of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

Exemptions from Toll in attending Funerals.

X. And be it further enacted, That nothing in the said recited Acts contained shall be taken to exempt any Person or Persons going to or returning from attending any Funeral from Payment of Toll, except the Toll and Tolls payable at any Toll Gate or Toll Gates which may be within the Distance of Five



Five Miles from the Burial Ground at which such Funeral or Funerals shall take place.

XI. And be it further enacted, That so much of the said first-recited Act as enacts that all Waggon, Carts, and other Carriages having the Wheels of the Width and Description and the Axletrees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to entitle the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weight in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls by the said Act now in recital granted, and to all the other Privileges and Exemptions granted by the said Act, shall be and the same is hereby repealed.

Repeal of Abatement of Tolls for certain Description of Wheels.

55 G. 3. c. 119.

XII. And be it further enacted, That if any Rents payable in respect of or for any Tolls which already have been or shall at any Time hereafter be leased or agreed to be let in pursuance of the said recited Acts or this Act shall be in arrear for the Space of Three Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement under which the same Tolls shall be holden, then and in that Case the said Commissioners for the carrying the said recited Acts into execution, or their Clerk, Treasurer, or Surveyor, or any Person authorized under the Hands of the said Commissioners, or under the Hand of their Clerk, Treasurer, or Surveyor, shall be at liberty, and they are hereby authorized to enter into and upon the Possession of the Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances so let or agreed to be let as aforesaid, and to put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and thereupon it shall be lawful for the said Commissioners (if they shall think fit) to vacate such Lease or Agreement for letting the Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved); and it shall be lawful for the said Commissioners in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause the same to be taken or collected, as if no former Lease or Agreement had been entered into relative thereto.

Re-entry in case of Default in Payment of Rents for Tolls.

XIII. And be it further enacted, That so much of the said first-recited Act as enacts that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Line of Road, or any Part thereof, shall remain liable thereto, shall be and the same is hereby repealed.

Repeal of Clause relating to Statute Labour, &c.;

XIV. And be it further enacted, That so much and such Parts of the said first-recited Act as relate to the compounding for such Statute Work to be done on the said Line of Road, or any Part thereof, shall be and the same are hereby repealed.

and of Provision allowing Composition for it.

XV. And be it further enacted, That all and every the Provisions, Enactments, and Authorities contained in an Act passed in the Third Year of His late Majesty 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,*

Provisions of General Turnpike Acts, 3 G. 4. c. 126. and 4 G. 4. c. 95. as to Statute

Labour, to extend to this Act.

England, and in 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*, and all and every the Forms to the said Acts or either of them annexed, as are now in force, and which relate to Statute Labour to be done for the repairing and amending Turnpike Roads, or the Composition for the same, shall be applicable to the said Commissioners, and the said Line of Road vested in them from *Shrewsbury to Holyhead*, in all respects whatsoever as if such Powers and Provisions were herein repeated and made applicable to the said Line of Road, and the said Commissioners, and their Officers, and those acting under them; and such Statute Labour, as regards the said Line of Road, and the Persons liable to do the same, shall be done and performed in all respects as the same is directed to be done and performed under or by virtue of the said Acts or either of them.

Commissioners may award a Moiety of any Penalty to Informer.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, to direct and award that any Part not exceeding One Moiety of any Fines or Penalties by the said first-recited Act or this Act directed to be paid to the Treasurer or Treasurers for the Time being of the said Commissioners may be paid to the Person or Persons upon whose Information such Penalty or Fine may have been incurred.

Power to compel Payment of Arrears of Toll where Credit is given.

XVII. And be it further enacted, That in all Cases where Credit shall have been given for the Tolls by the said recited Acts and this Act authorized to be imposed it shall be lawful for the said Commissioners, or any Person or Persons acting by and with their Consent and Authority, after Demand made by any Collector or Collectors, and Neglect or Refusal on the Part of the Party or Parties on whom such Demand shall have been made to pay the same, or any Part thereof, to recover all Arrears due by Distress of the Goods and Chattels of the Party or Parties so owing and neglecting or refusing to pay the same, such Distress to be levied by Warrant, to be obtained by Application to any Justice of the Peace for the County or Place where the Party or Parties owing the same shall be or reside (which Warrant such Justice is hereby authorized and required to grant, on the Oath of any Toll Collector or Surveyor, or other Agent or Person employed by the said Commissioners, that such a Sum is due for Arrears, and also to administer such Oath *gratis*); and if such Arrears, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days next after such Distress made, the said Commissioners, or such Person or Persons so distraining as aforesaid, may sell the Goods and Chattels so distrained, for Payment of the said Arrears, rendering the Overplus (if any), on Demand, to the Owner or Owners thereof, after such Arrears and all reasonable Charges shall be deducted.

Power to borrow Money at a lower Rate of Interest, to pay off existing Debt.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being to borrow and take up at Interest such Sum and Sums of Money as they shall from Time to Time think fit upon the Credit of the Tolls arising by virtue of the said recited Acts or this Act, or any Part thereof,

for

for the Purpose of paying off and discharging any Sum or Sums of Money now secured on the said Tolls, or any Part thereof, so that such Sum or Sums shall bear a lower Rate of Interest than is now paid for the Monies so to be paid off; and all and every such Securities, or the Transfers thereof, shall be made in all respects as by the said first-recited Act is directed with respect to the Monies thereby authorized to be raised on the Security of the said Tolls; and all Monies so to be raised shall be paid and applied in and towards the Satisfaction of some existing Charge on the said Tolls; and all and every the Provisions and Forms in the said first-recited Act relating to Mortgages thereby authorized, or the Transfer thereof, shall apply to any Mortgage to be made in pursuance of this Power, or to any Transfer thereof.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being and they are hereby authorized and empowered to treat and agree with any Person or Persons who have already advanced or shall hereafter advance any Sum or Sums of Money on the Security of the Tolls arising by virtue of the said recited Acts or this Act, or any Part thereof, for the Payment and Receipt of a lower Rate of Interest for the Sum or Sums of Money so advanced than is or shall be expressed to be payable in the Assignment or Mortgage of the Tolls made or granted for securing the same; and an Agreement for the Payment and Receipt of such lower Rate of Interest shall be indorsed upon such Security or Securities respectively; and such lower Rate of Interest shall from thenceforth be and continue payable in the Manner stipulated for the Payment of the original Rate of Interest in lieu of which such lower Rate of Interest shall be agreed to be paid and received.

XX. And be it further enacted, That if any Person shall remove any Road Fences or Walls made or repaired by the said Commissioners without the written Authority of the Surveyor of the said Commissioners, every such Person so offending shall forfeit for every such Offence Twenty Shillings to such Person as shall make Information of the same, and shall in addition pay all the Expences of reinstating the same; and further, when any such Removal of any Fences or Walls shall be allowed, proper Curb Stones or other Protection, to the Satisfaction and according to the Direction of the Surveyor of the said Commissioners, shall be fixed along the Line of the Side Channel for the Distance where such Fences or Walls may have been removed, except at the Junction of Roads and at Gateways; and if the Person so removing such Fences or Walls shall not within One Week comply with the Direction of the said Surveyor in fixing proper Curb Stones or other Protection as aforesaid, then the same may be done, under the Direction of the Surveyor of the said Commissioners, by any Person or Persons he may appoint for that Purpose.

XXI. And be it further enacted, That if any Person shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on or at the Side of any Part of the aforesaid Line of Road, in such Manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof, or shall make or cause to be made any

Power to agree with Mortgagees of Tolls for Payment of lower Rate of Interest.

Fine for removing Road Fences, &c.

Penalty for Encroachments on the Side of Road.

Dwelling House or other Building, or any Hedge or other Fence, on any Common or Waste Land on the Side or Sides of the said Road, within the Distance of Thirty Feet if within Three Miles of any Market Town, or if beyond that Distance within Twenty-five Feet from the Middle or Centre thereof, or shall make any Encroachment by taking in any small Pieces of Waste, or shall make any Drain, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road or any Part thereof, or shall plough, manure, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Land shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distance aforesaid from the Middle of the said Road, every Person so offending shall for every such Offence forfeit the Sum of Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the said Commissioners or their Surveyor to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment to be taken down, restored, removed, or filled up, or, when any Ditch shall have been filled up or obstructed, to be opened and cleansed, at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for One or more Justice or Justices of the Peace of the County where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of removing and restoring any such Fences or Walls as aforesaid, or placing such Curb Stones or other Protection as aforesaid, or of taking down or filling up or clearing such Dwelling House or other Building, Hedges, Ditches, Drains, or other Encroachments, as the several Penalties hereby imposed, and also the Costs and Charges of levying and recovering the said Expences and Penalties respectively, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner, on Demand.

Repealing so much as limits Amount of Toll at certain Gates.

XXII. And be it further enacted, That so much of the said first-recited Act as enacts that the said Commissioners may, at the respective Gates or Turnpikes on the said Line of Road between *Oswestry* and the Boundary of the Counties of *Denbigh* and *Merioneth*, receive the several Tolls in the said Act mentioned for every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril Car, Dray, or Sledge, and for every Horse or other Beast, laden or unladen, and not drawing, and that such Tolls may be charged Twice and not oftener in One Day, shall be and the same is hereby repealed as from the First Day of *June* One thousand eight hundred and thirty-six.

New Scale of Tolls between Oswestry and Llangollen.

XXIII. And be it further enacted, That from and after the First Day of *June* One thousand eight hundred and thirty-six it shall and may be lawful for the Commissioners for the Time being of the said recited Acts, and they are hereby authorized and empowered, to take, collect, and receive, in lieu of the Tolls hereby repealed, and in addition to such of the other Tolls authorized to be received and taken by the said first-recited Act as are not hereby repealed, the respective Tolls following, at the respective Gates or Turnpikes herein-after mentioned, or at the

Bars or Gates which have been or shall be hereafter erected and attached to such respective Gates or Turnpikes on that Part of the said Line of Road lying between *Oswestry* and the Boundary of the Counties of *Denbigh* and *Merioneth*; (that is to say,)

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril Car, Dray, or Sledge, any Sum not exceeding Three-pence at the *Llwyn Gate*; any Sum not exceeding Two-pence at *Whitehurst Gate*; and any Sum not exceeding Four-pence at the *Llangollen Gate*:

And for every Horse or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny at the *Llwyn Gate*; any Sum not exceeding One Halfpenny at *Whitehurst Gate*; and any Sum not exceeding One Penny at the *Llangollen Gate*.

XXIV. And be it further enacted, That any Lease or Contract or Agreement, which by the said first-recited Act or this Act may be made or entered into by the said Commissioners for the letting the Tolls authorized to be taken by the said Commissioners, may be signed by the Chairman, or by the Clerk of the said Commissioners, in case the said Chairman or Clerk shall be authorized to sign the same, in Writing, by Three of the said Commissioners; and that all such Leases, Contracts, and Agreements shall be good and effectual to all Intents whatsoever, notwithstanding the same may not be by Deed or under Seal, any Act of Parliament or Law to the contrary thereof notwithstanding.

Chairman or Clerk may execute Leases of Tolls.

XXV. And be it further enacted, That every Steam Carriage or Locomotive Engine, including any One Carriage with not more than Four Wheels, drawn thereby, passing along the Line of Road vested in the said Commissioners, shall pay a Toll not exceeding Double the Amount of Toll by the said recited Acts payable by a Stage Coach drawn by Four Horses; and that every other separate Carriage, whether with Two or Four Wheels, attached or in anywise connected with any such Steam Carriage or Locomotive Engine, shall pay the same Toll as Stage Coaches drawn by Four Horses.

As to Tolls for Steam Carriages.

XXVI. And whereas it is by the said first-recited Act amongst other Things enacted, that the said Commissioners may in manner therein mentioned let the Tolls by the said Act granted, or any Part thereof, and also the Turnpikes, Toll Houses, and Weighing Machines vested in them by virtue of the said Act, as in the said Act is mentioned, unto any Person or Persons who shall be willing to take the same, as in the said Act is mentioned, such Notice of the Intention to let the same having been given as in the said Act is directed; be it therefore enacted, That in addition to the Powers in the said Act contained it shall and may be lawful for the said Commissioners from Time to Time to let the said Tolls and other the Premises by the said Act authorized to be let, or any Part thereof, by private Tender and without giving such Notice as in the said Act is directed, for any Term not exceeding Three Years at any one Time, for the best Rent that can be gotten for the same, and under such Covenants as the said Commissioners shall direct.

Commissioners may let Tolls by private Tender.

Repealing so much as imposes a Penalty for destroying Mile Stones.

XXVII. And be it further enacted, That so much of the said first-recited Act as enacts that if any Person shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed in or near the Side or Sides of the said Line of Road from *Shrewsbury to Bangor Ferry*, or should otherwise commit any Nuisance on or regarding or respecting the said Road as in the said Act is particularly enumerated, every Person so offending should for every such Offence forfeit and pay any Sum not exceeding Five Pounds, shall be and the same is hereby repealed.

Penalty for defacing Mile Stones and committing any Nuisance.

XXVIII. And be it further enacted, That if any Person or Persons shall wilfully or otherwise pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Line of Road from *Shrewsbury to Holyhead*, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon or affixed thereto, or shall injure or damage any Table of Tolls put up at any Toll Gate or Bar on any Part of the said Line of Road, or deface or obliterate any of the Inscriptions thereon, or if any Person shall wilfully or otherwise pull up or throw down, break or injure, any Posts, Rails, Walls, or Fences along or near any Part of the said Line of Road, or at or near any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes thereof, in order to prevent Accidents, or shall cut down, injure, or destroy any Quicks or Willows planted by the said Commissioners along or near any Part of the said Line of Road, or if any Person shall cause any Damage or Injury to be done to any Bridge, Arch, or Wall, or other Building set up or to be erected by virtue of this Act or the said recited Acts, or otherwise, on any Part of the said Road or the Side thereof; or if any Person shall ride on any Footpath formed or maintained by the Surveyor of the said Commissioners upon or on the Side of or adjoining to the said Line of Road, or shall drive any Horse, Beast, or Swine, or any Carriage upon, or cause any Damage to be done to any such Footpath; or if any Person, after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing used in such blocking; or if any Person shall cause to be haled or drawn any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages to drag upon the said Line of Road, or any Part thereof, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Line of Road or any Part thereof shall suffer the said Pigs or Swine to root up the same, or the Fences on either Side thereof; or if any Person shall turn, or permit or suffer his, her, or their Horse or Horses or other Beast or Beasts, Cattle, Pigs, or Swine, to feed, graze, or run loose upon any Part of the said Line of Road, or on the Side or Sides thereof; or if any Person shall, in or upon the said Line of Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Carriage on the said Line of Road, and meeting another Carriage, shall not keep his or her Carriage on his or her Left or Near Side of the Road; or if any Person shall wilfully or otherwise prevent another from passing him or her, or  
any

any Carriage under his or her Care; or if any Person driving any Horse or other Beast on the said Line of Road carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Line of Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, or Fire Works whatsoever, or play at Foot-ball on any Part of the said Line of Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop situate near the said Line of Road, and having a Window or Windows fronting thereto, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Line of Road; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of any Part of the said Line of Road longer than may be necessary to load or unload the same, either with or without any Horse or other Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever upon any Part of the said Line of Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall, without the Consent of the Surveyor of the said Commissioners, scrape off any Mud, Soil, or any other Matter or Thing which shall lie or be upon the said Line of Road, or any Part thereof; or if any Person shall suffer any Water, Filth, Dirt, or other offensive Matter or Thing whatsoever to run or flow into or upon the said Line of Road or Footpaths, from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of the said Line of Road, or Toll House erected thereon, or shall extinguish the Light of any such Lamp; every such Person so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby; such Damages to be assessed and recovered in the same Manner and as if the same were a Penalty.

XXIX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found tethered or wandering, straying or lying about any Part of the aforesaid Line of Road (except on any Parts of such Road as lead or pass through or over any Common or Waste or uninclosed Ground), it shall and may be lawful for any Surveyor of the said Commissioners, where the same shall be found, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound (if any) of the Parish, Township, Tithing, or Place where the same shall be found, or in such other Place as the said Commissioners shall have provided or shall provide for

Cattle found straying on the Road to be impounded.

that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner or Owners thereof shall for each and every Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Commissioners, the said Sum of Two Shillings for each Beast to be applied to the Use of and in aid of the Tolls of such Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, (Notice being first given to the Owner, if known at the Time, or if not known by affixing written Notices at the Two next Toll Gates on the Road nearest to the Place where the same shall be impounded,) it shall and may be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being the Owner or Occupier of such Inclosure or employed by such Owner or Occupier, in which Case such Justice or Justices may remit such Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Sum of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one Time; and provided always, that nothing in this Clause shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Part of the said Line of Road.

Punishing Persons guilty of Pound Breach.

XXX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or shall attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized



seized or so impounded, or such Distress and Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties where the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

XXXI. And whereas Doubts may arise as to what is to be deemed the said Road or the Centre of the said Road so vested 'in the said Commissioners, or some Parts thereof;' be it therefore enacted, That when any Matter or Thing is directed or forbidden to be done by this Act or the said recited Acts or otherwise, within a certain Distance of the Centre of the said Road, that Portion of the Ground shall be deemed to be the Road which has been maintained by the said Commissioners as hard Road with Stones or Gravel, or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations; and the Centre of the Road shall be the Middle of such hard Road, when a Line being drawn along the Road, or a Point marked, an equal Number of Feet of hard Road which have been so maintained as aforesaid for Six Months before shall be found on each Side of such Line or Mark.

XXXII. And for the Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain, or Cart, or other such Carriage, passing along any Part of the aforesaid Line of Road, shall from and after the First Day of *August* One thousand eight hundred and thirty-five paint or cause to be painted in One or more straight Line or Lines, upon some conspicuous Part of the Right or Off Side of his, her, or their Waggon, Wain, or Cart, or other such Carriage, or upon the Off Side Shafts, before the same shall be used upon the said Road, his, her, or their Christian and Surname, and the Place of his, her, and their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, at full Length, in large legible Letters not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Wain, Cart, or other such Carriage shall be used upon the said Line of Road, or any Part thereof; and every Owner and Proprietor of any Waggon, Wain, or Cart, or other Carriage, who shall use or allow the same to be used on the said Road or any Part thereof without the Names and Descriptions painted thereon as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, or Cart, or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

XXXIII. And whereas many Accidents happen and great Mischiefs are frequently done upon the said Line of Road by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That if the Driver of any

What shall be the Centre of the Road.

Owners of Waggons, &c. to have their Names painted thereon.

Drivers of Waggons or Carts not to ride thereon, unless some other

Person on Foot  
guide the same.

any Waggon or Cart of any Kind shall ride upon any such Carriages in the said Road, not having some other Person on Foot or on Horseback to guide the same (such light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted); or if the Driver of any Carriage whatsoever, on any Part of the said Road, shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing or being upon the said Road, or shall quit the Road and go on the other Side the Hedge or Fence enclosing the same, or wilfully be at such a Distance from such Carriage, or in such a Situation, whilst it shall be passing upon the said Road, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or if any Person shall drive or act as the Driver of any such Coach, Post Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as hereby required, painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or principal Owners of such respective Carriage; or if the Driver of any Waggon, Cart, Coach, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, on the said Road; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner of such Carriage, and in case the Offender be the Owner of such Carriage then any Sum not exceeding Five Pounds, and in either of the said Cases shall in default of Payment be committed to the House of Correction for any Time not exceeding One Month, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Surveyors may  
make Drains,

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such other Person and Per-

sons as shall be appointed by the said Commissioners, from Time to Time, to cut, make, or maintain Drains or Watercourses upon and through any Lands lying contiguous to any Road under the Direction or Control of the said Commissioners, and also to make Ditches in any such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Commissioners, shall judge necessary, and make sufficient Fences and Barriers and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor and Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands to be used, cut through, or built upon, for the Damages which they or any of them may sustain thereby, as the said Commissioners shall judge reasonable; and in case of any Difference between such Owners and Occupiers and the said Commissioners touching such Damages, the same shall be finally settled by any Two or more Justices of the Peace for the County, City, or Place in which such Drain or Watercourse shall lie or be situate.

XXXV. Provided always, and be it enacted, That the said Commissioners shall not be required to pay any larger Sum, as a Satisfaction for any Materials raised, taken, or carried away from any Lands or Grounds for making or repairing the said Road, than such Sum of Money as it shall appear to the Two Justices settling and determining such Satisfaction that such Materials might or could have been actually sold for in case the same had not been raised, taken, or carried away by the said Commissioners; and in case the said Justices shall be of opinion that the said Materials, before they had been so raised, taken, or carried away, could not have been sold or disposed of, then the said Justices shall only assess the Damage done to the Lands or Grounds of the Owners or Occupiers thereof by the raising, gathering, or carrying away the same.

XXXVI. And be it further enacted, That notwithstanding any thing in the said first-recited Act contained it shall not be lawful for any Person or Persons whomsoever to remove or carry away any Gravel, Stone, or other Materials which shall have been quarried, dug, or raised by the Surveyor of the said Commissioners or his Workmen from, and shall be left by him or them in, any Gravel Pit or Quarry opened for the Purpose of getting Materials for the said Line of Road, (notwithstanding the said Surveyor or his Workmen may have discontinued working in such Gravel Pit or Quarry for the Space of Thirty Days,) without first giving Twenty-one Days Notice in Writing to the said Surveyor to remove and take away the same; and if any Person or Persons shall remove or carry away any such Gravel, Stone, or other Materials so quarried, dug, or raised as aforesaid before the Expiration of Twenty-one Days from the Time such Notice shall be so given as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, in addition to the Value of the Gravel, Stone, or other Materials so removed or carried away as aforesaid.

XXXVII. And be it further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the said Commissioners, or by any satisfactory Evidence adduced

Justices to award for Materials no larger Sum than they could actually be sold for.

Gravel, &c. that has been raised not to be removed without giving Notice to the Surveyor.

Commissioners may renew Mortgages lost or mislaid.  
at

at any Meeting of the said Commissioners, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by the said recited Acts or this Act to be taken, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Commissioners, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by the said recited Acts or this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment to be executed shall be valid and effectual for the Purposes thereby intended, and shall be considered as substituted in all respects for the former Mortgage or Assignment, which shall on such new Mortgage or Assignment being executed be in all respects void.

Repeal of  
Clauses in former Act extending to it the Powers of General Turnpike Acts.

XXXVIII. And be it further enacted, That so much of the said first-recited Act as enacts that the several General Acts made for the Regulation of Turnpike Roads in *England* and *Wales* should and were thereby declared to extend to the said Act now in recital, and that it should be lawful for the said Commissioners thereby appointed to exercise and put in execution all the Powers and Authorities by the said General Acts given to and authorized to be executed by Trustees of Turnpike Roads, as fully and amply as any Trustees might do under the Authority of the said General Acts or either of them, shall be and the same is hereby repealed.

Commencement of Act.

XXXIX. And be it further enacted, That this Act and the several Powers and Matters herein contained, except where otherwise directed by this Act, shall take effect and come into operation from the First Day of *August* One thousand eight hundred and thirty-five.

Public Act.

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

### C A P. XXII.

An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England*.

[21st *August* 1835.]

“ 2 & 3 *W. 4. c. 107.* and 3 & 4 *W. 4. c. 64.* further continued.”

## C A P. XXIII.

An Act for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey*, *Jersey*, and *Man*.

[21st August 1835.]

‘ WHEREAS certain Institutions for establishing Loan Funds have been and may be established in *England*, *Wales*, and *Berwick-upon-Tweed*, for the Benefit and Advantage of the Labouring Classes of His Majesty’s Subjects, and it is expedient to give Protection to the Funds of such Institutions, and to afford Encouragement to the Formation of other Institutions of a like Kind:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That if any Number of Persons who have formed or shall form any Society in any Parish, Township, or Place in *England*, *Wales*, or *Berwick-upon-Tweed*, for the Purpose of establishing a Society for a Loan Fund for the Industrious Classes in *England*, *Wales*, or *Berwick-upon-Tweed*, and receiving back Payment for the same by Instalments, with the legal Interest due thereon, shall be desirous of having the Benefit of this Act, such Persons shall cause the Rules or Regulations framed or to be framed for the Management of such Institutions to be certified, deposited, and enrolled in manner herein-after directed, and thereupon shall be deemed and be entitled to and shall have the Benefit of the Provisions contained in this Act.

II. And be it further enacted, That all the Rules and Regulations of any Society to be entitled to the Benefit of this Act shall be certified, deposited, and enrolled in the same Manner as the Rules and Regulations of any Friendly Society are required to be certified, deposited, and enrolled pursuant to the Provisions of a certain Act passed in the Fourth and Fifth Years of the Reign of His present Majesty King *William* the Fourth, intitled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*; and that all the Provisions of the said Act, as well as the Act made and passed in the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies, as far as the same relate to the framing, certifying, enrolling, and altering Rules of Friendly Societies, shall be applicable to the framing, certifying, enrolling, and altering the Rules and Regulations of any Society to be established under the Provisions of this Act.

III. And be it further enacted, That all Rules and Regulations from Time to Time made and in force for the Management of any such Society as aforesaid, and duly enrolled, shall be entered in a Book or Books to be kept by an Officer of such Institution to be appointed for that Purpose, and which Book or Books shall be open at all reasonable Times for the Inspection of Persons receiving Assistance from such Institution, and shall be binding on the several Members and Officers of such Society, and the several Persons receiving Assistance from the same, and their Representatives,

Persons forming Societies for Loans, desirous of having the Benefit of this Act, to cause their Rules to be enrolled in manner herein-after directed.

Rules to be certified, deposited, and enrolled at Sessions.

4 & 5 W. 4. c. 40.

Rules and Regulations to be entered in a Book to be kept by the Officer of the Society.

tatives, as well as those Parties who may become the Sureties for the Repayment of any Loan, all of whom shall be deemed and taken to have full Notice thereof by such Entry and Deposit with the Clerk of the Peace or Town Clerk; and the Entry of such Rules and Regulations in such Book or Books as aforesaid, or the Transcript thereof, deposited with the Clerk of the Peace or Town Clerk, or a true Copy of such Transcript, examined with the Original and proved to be a true Copy, shall be received as Evidence of such Rules and Regulations respectively in all Cases; and no Certiorari shall be brought or allowed to remove any such Rules or Regulations into any of His Majesty's Courts of Record; and every Copy of any such Transcript deposited with any Clerk of the Peace or Town Clerk as aforesaid shall be made without Fee or Reward, except the actual Expence of making such Copy, and such Copy shall not be subject to any Stamp Duty.

Property of  
Society vested  
in Trustees  
thereof.

IV. And be it further enacted, That all Monies, Goods, Chattels, and Effects whatsoever shall be vested in the Trustee or Trustees of such Institution for the Time being, for the Use and Benefit of such Institution and the respective Members thereof, their respective Executors and Administrators, according to their respective Claims and Interest, and after the Death, Resignation, or Removal of any Trustee or Trustees shall vest in the succeeding Trustee or Trustees, for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be and shall in every such Proceeding (where necessary) be stated to be the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Institution for the Time being, in his or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right, or Claim aforesaid of such Institution, and to sue and be sued, plead and be impleaded, in his or their proper Name or Names, as Trustee or Trustees of such Institution, without other Description; and no Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of such Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Institution.

Treasurer, &c.  
to give Security,  
if required by  
Rules of Insti-  
n.

V. And be it further enacted, That if any Treasurer or other Officer or Officers or other Person whatsoever who shall be intrusted with the Receipt or Custody of any Sum or Sums of Money the Property of such Institution, or any Interest or Dividend

dend arising from Time to Time thereby, shall be required by the Rules or Regulations of such Institution to become bound with Sureties for the just and faithful Execution of such Office or Trust in such Sum or Sums of Money as shall be required by the Rules and Regulations of such Institution, such Security shall and may be given by Bond or Bonds to the Clerk of the Peace for the County, County of a City, County of a Town or Place where such Institution shall be established for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees of such Institution to sue upon such Bond or Bonds in the Name of the Clerk of the Peace for the Time being, and to carry on such Suit at the Costs and Charges of and for the Use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace from all Costs and Charges of such Suit or Suits, or in respect thereof; and no Bond or Security so to be given shall be subject to or chargeable to any Stamp Duty whatsoever.

VI. And be it further enacted, That it shall not be lawful to and for any such Society to make any Loan to any One Individual at any One Time exceeding in Amount the Sum of Fifteen Pounds: Provided nevertheless, that no second or other Loan shall be made to the same Individual until the previous Loan is repaid.

Amount of any  
Loan.

VII. And be it further enacted, That no Note or other Security or Undertaking which may be entered into for the Repayment of any Loan made under this Act in manner herein-before provided, nor any Receipt or Entry in any Book of Receipt for Money lent or paid, nor any Draft or Order, nor any Appointment of any Agent, nor any other Instrument or Document whatever required to be given, issued, made, or provided in pursuance of the Rules and Regulations of the Society, shall be subject to or chargeable with any Stamp Duty whatever.

No Note or  
Security liable  
to Stamp Duty.

VIII. And be it further enacted, That all Notes and Securities entered into for the Payment of such Loans shall be made payable to the Treasurer or Clerk for the Time being of the said Institution; and if the Party or Parties liable to pay the same shall fail to make full Payment in Money of the Sum in the Note or Security mentioned, or any Part thereof, for Seven Days after Demand made on such Party, or left at his usual Place of Abode, by or on behalf of the Treasurer or Clerk for the Time being of the said Institution, it shall and may be lawful for any One or more of His Majesty's Justices of the Peace for the County, Riding, City, Division, or Place where the Person or Persons respectively so refusing to pay any of such Notes or Securities as aforesaid shall or may happen to be or reside, and such Justice or Justices is and are hereby required, upon Complaint made by such Treasurer or Clerk as aforesaid, to summon the Person or Persons against whom such Complaint shall be made; and after his, her, or their Appearance, or in default thereof, upon due Proof upon Oath of such Summons or Warning having been given or left as aforesaid, such Justice or Justices shall proceed to hear and determine the said Complaint, and award such Sum to be paid by the Person or Persons respectively liable to the Payment of any such Note or Security to such

Recovery of  
Loan, &c. be-  
fore Justices  
of the Peace.

Treasurer

Treasurer or Clerk as aforesaid as shall appear to such Justice or Justices to be due thereon, together with such a Sum for Costs, not exceeding the Sum of Ten Shillings, as to such Justice or Justices shall seem meet; and if any Person or Persons shall refuse or neglect to pay or satisfy such Sum of Money as upon such Complaint as aforesaid shall be adjudged, upon the same being demanded, such Justice or Justices shall, by Warrant under his or their Hand and Seal or Hands and Seals, cause the same to be levied by Distress and Sale of the Goods of the Party so neglecting or refusing as aforesaid, together with all Costs and Charges attending such Distress and Sale, and returning the Overplus, if any, to the Owner; and no such Proceedings shall be removed by Certiorari or otherwise into any of His Majesty's Superior Courts of Record.

As to Receipt  
of Interest by  
Trustees, &c.

IX. And be it further enacted, That it shall and may be lawful to and for the Trustees or Managers of any Institution established under the Provisions of this Act to demand and receive, from the Person to whom any Loan may be made, at the Time of making the same, the full Amount of Interest at the Rate of Five Pounds *per Centum per Annum* which would be due for the Time the Money may be advanced, or to receive the Amount of such Interest at such other Time or Times and in such Proportion or Proportions as the said Trustees or Managers may think fit, without being subject or liable on account thereof to any of the Forfeitures or Penalties imposed by any Act or Acts of Parliament relating to Usury.

10 G. 4. c. 56.  
as amended by  
4 & 5 W. 4. c. 40.  
extended to  
Guernsey, &c.

X. And be it further enacted, That the Provisions of a certain Act made and passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to Friendly Societies*, and of a certain other Act made and passed in the Fourth and Fifth Years of His present Majesty, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*, shall extend to the Islands of *Guernsey* and *Jersey* and *Isle of Man*, and that the Rules and Alterations of Rules of any Society established or to be established in the Islands of *Guernsey*, *Jersey*, and *Isle of Man*, under the said last-mentioned Act or this Act, shall be submitted to the Barrister at Law for the Time being appointed to certify the Rules of Savings Banks in *England*.

Public Act.

XI. And be it further enacted, That this Act shall be deemed a Public Act, and shall extend to *England*, *Wales*, *Berwick-upon-Tweed*, and the Islands of *Guernsey*, *Jersey*, and *Isle of Man*, and be judicially taken notice of as such by all Judges, Justices, and others, without the same being specially shown or pleaded.

#### C A P. XXIV.

An Act for the Encouragement of the voluntary Enlistment of Seamen, and to make Regulations for more effectually manning His Majesty's Navy. [21st August 1835.]

‘ WHEREAS it is expedient to limit the Duration of the Service of Seamen in His Majesty's Navy, and to increase the Inducements to Seafaring Men voluntarily to enter into the



' the same : ' Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Person shall be liable to be detained against his Consent in the Naval Service of His Majesty for a longer Period than Five Years, to be computed from the Day of his being entered into the same, unless he shall have voluntarily entered for a longer Term, and except as herein-after provided ; and that at the Expiration of such Period of continuous Service he shall, upon his Application for that Purpose, be entitled to be discharged ; and if the Ship on board which he shall be serving be in any Port of the United Kingdom he shall be forthwith discharged ; and in Cases of Men serving on board Ships absent from the United Kingdom, the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall cause the necessary Orders and Instructions to be given to all Admirals and other Officers in Command of His Majesty's Ships, that about the Time when the Period of their respective Services shall expire every Person entitled to his Discharge, on signifying to his Captain or Commanding Officer his Wish no longer to continue in the Service, shall be discharged forthwith, if he desire it, or shall be sent by the earliest convenient Opportunity, in some Ship of His Majesty, to some Port of the United Kingdom, to be there discharged : Provided always nevertheless, that if the Admiral or Commanding Officer of the Fleet or Squadron under whose Command he shall be shall, in consequence of any special Emergency, deem it hazardous to the Public Service forthwith to discharge him, then such Admiral or Commanding Officer shall have Power to detain him in the Service for a further Period of Six Calendar Months, or until such Emergency shall have ceased ; and in every such Case the Person so detained shall be entitled to receive for such extra Service One Fourth in addition to the Pay of his Rating : Provided also, that if any Seaman shall be under lawful Arrest at the Period at which he shall be so entitled to his Discharge, then such Discharge shall not take place until such Arrest shall have ceased, or, in case he shall have been put under Arrest in order to be brought to Trial for any Offence, until he shall have been tried for such Offence, and have undergone the Punishment to which he may be adjudged for the same by Sentence of Court-martial : And provided further, that nothing in this Act contained shall be construed to exempt any Person so entitled to his Discharge from the Performance of the Duties of his Station until he shall have been actually discharged ; and that every such Person, so long as he shall be in the Service, shall be amenable and subject to the Discipline of the Navy, and to the several Provisions of the Laws in being relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.

II. And be it further enacted, That every such Seaman who may have served the said Term of Five Years, whilst any Proclamation of His Majesty calling for the Services of Seafaring Men shall have been in force, shall, upon being discharged from the Navy, be entitled to receive from the Captain or Commanding Officer of the Ship from which he shall be so discharged a Cer-

Naval Service limited to Five Years.

If the Ship be Abroad, Seamen, on the Expiration of their Service, to be sent Home by the earliest Opportunity.

Admiral, in case of Emergency, may detain them Six Months longer, with One Fourth Increase of Pay.

Seamen under Arrest for Trial not to be discharged until after Trial, &c. ;

to perform their Duties, and to be amenable to Naval Discipline until discharged.

Discharged Seamen to receive Certificates, on which Protections are to be issued to them.

a Certificate of his Service therein, containing a Description of his Age, Person, and Place of Birth, upon the Production at the Admiralty Office of which and of similar Certificates as to his Service in any other of His Majesty's Ships in which he may have served during such Period of Five Years, (all which Certificates the Captains of such Ships are hereby required to give him on his Discharge from the same respectively,) and upon a Comparison of the Dates and Particulars to be expressed in such Certificates with the Muster Books of the several Ships in which he shall have served, provided the Particulars shall be found correct and the Certificates be found genuine, a Protection from Service in the Navy for the Space of Two Years shall be issued to every such Seaman *gratis*, under the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral and the Seal of the Office of Admiralty, in such Form as the said Commissioners shall think fit: Provided always, that if any such Seaman shall be discharged, except upon his own Application, before the Term of his Service shall amount to Five Years as aforesaid, a Protection shall be granted to him for the Space of One Year only.

Punishment for  
forging Certi-  
ficates, &c.

III. And in order to prevent as far as may be Frauds and Impositions with respect to Protections, be it further enacted, That if any Person shall forge or counterfeit any Certificate of Service in His Majesty's Navy, or any Instrument purporting to be a Protection from such Service, or shall fraudulently utter or publish any forged Certificate of such Service, or any forged Instrument purporting to be a Protection from such Service, knowing the same to be forged, or shall fraudulently alter any Certificate or Protection which shall have been duly granted or issued; or if any Person shall forge or fraudulently alter any Extract from a Baptismal Register, or shall knowingly utter any false or fraudulently altered Extract from a Baptismal Register, or any false Affidavit, Certificate, or other Document, in order to obtain from the Admiralty Office a Protection from His Majesty's Naval Service for himself or any other Person; or if any Person, being in the Possession of a Protection, shall lend, sell, or dispose thereof to any other Person, in order fraudulently to enable such other Person to make an unlawful Use of the same; or if any Person shall produce, utter, or make use of as a Protection for himself any Protection which shall have been made out or issued for any other Individual; every Person in any such Manner offending shall be deemed guilty of a Misdemeanor, and such Protection shall thenceforward be null and void.

Bounties to  
Volunteers.

IV. And for the Encouragement of Seamen and others to enter into His Majesty's Naval Service, be it further enacted, That every Seaman, Seafaring Man, or other Person who within Six Days after any Proclamation of His Majesty calling for the Services of Seafaring Men shall have been published in any Port of the United Kingdom or of any of His Majesty's Dominions, shall at such Port enter himself in His Majesty's Naval Service with any Officer authorized to receive Volunteers for the Royal Navy, shall, in addition to the Advantages given to Volunteers by an Act of the Eleventh Year of His late Majesty King *George the Fourth*, to amend and consolidate the Laws relating to the Pay of

of the Royal Navy, be entitled to receive Double the Amount (according to his Rating) of the Bounty offered by any such Proclamation; and that in the Cases of Seamen serving in Merchant Vessels which shall be at Sea at the Time when any such Proclamation shall be issued, every such Person who shall enter himself with an Officer of the Navy within Six Days after the first Arrival of any such Ship at any such Port as aforesaid, or within Half an Hour after any Officer of His Majesty's Navy shall have visited any such Ship before her Arrival at any such Port, shall also be entitled to receive the like Double Bounty.

V. And be it further enacted, That the Seamen who shall at the Time of the issuing of any such Proclamation as aforesaid be serving in the Fleet shall not be entitled to be discharged, but shall continue to serve therein for a Period of Five Years, in case their Services shall be so long required; and in consideration of their being so required to continue in the Service for such further Period they shall be entitled to receive and shall be paid the same Amount of Bounty as shall by any Order in Council or Proclamation of His Majesty then in force be offered to Seamen of their respective Classes, and shall also be entitled to their Discharge at the Expiration of that Period, in the same Manner and under Regulations similar to those established by this Act with respect to volunteer Seamen.

VI. And as an Encouragement to Seamen to continue in the Naval Service, be it further enacted, That every Seaman belonging to the Fleet whose Period of Five Years Service shall expire during the Time when any such Proclamation as aforesaid shall be in force, and who previous to the Expiration of such Service shall signify to his Commanding Officer his Desire to continue therein for a further Period of Five Years, and shall be allowed to re-enter accordingly, shall upon such Re-entry be entitled to be paid the single Bounty offered by His Majesty's Proclamation to Volunteers of his Class and Rating; and every such Volunteer shall at the Expiration of such Second Period of Five Years be entitled to his Discharge, under and subject to the like Regulations as are herein-before provided with respect to Persons entitled to their Discharge after Five Years Service.

VII. And be it further enacted, That whenever any Seaman in the Receipt of a Pension for Wounds or prior Services, and being able-bodied, and fit for the Naval Service, shall, when any such Proclamation as aforesaid shall be in force, voluntarily enlist, and shall be received to serve in the Navy, he shall, in addition to the Pay and other Advantages to which he may be entitled, be allowed to receive such Pension during the Time he shall continue in such further Service and in the faithful Discharge of his Duty.

VIII. And be it further enacted, That all the Provisions contained in this Act in favour of Volunteers shall be extended to the Seamen belonging to the *British* Colonies who shall freely enter themselves to serve in the Navy; and that all such Colonial Seamen, after being discharged at the Expiration of Five Years Service, in case they shall be desirous to return to their native Colony, shall either be conveyed thither free of Expence, or be allowed a Gratuity in Money sufficient to cover the Cost of their

Seamen in the Service at the Time of the issuing a Proclamation calling for the Services of Seafaring Men to continue, and be paid the usual Bounty,

Seamen after Five Years Service, agreeing to continue, to be entitled to a fresh Bounty.

Pensioners volunteering to receive their Pensions in addition to their Pay.

Provisions in favour of Volunteers extended to Colonial Seamen, &c.

Return thereto, as the Commissioners for executing the Office of Lord High Admiral shall think fit.

Act not to diminish the Authority of the Admiralty.

Seamen may obtain their Discharge on providing Substitutes.

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend to control or diminish the Authority vested in the Lord High Admiral and the Commissioners for executing the Office of Lord High Admiral to discharge, as he or they shall think fit, or to authorize the Discharge of any Seaman from His Majesty's Naval Service; and that if any Seaman shall be desirous of being discharged from the Naval Service before the Expiration of the Period of Five Years for which he shall be engaged or shall be bound to serve, and shall provide One able Seaman or Two able-bodied Landmen to serve in his Stead, for a Period of Five Years (if their Services shall be so long required), every such Seaman shall, upon the Approval of such Substitutes by the proper Officer of the Admiralty, and upon their being actually received into the Service on board any one of His Majesty's Ships of War, be forthwith discharged from the Navy, and shall be entitled to the same Protection as if he had completed a Period of Five Years Service.

Act may be amended this Session.

X. And be it further enacted, That this Act may be altered, amended, or repealed by any other Act or Acts to be passed during this present Session of Parliament.

#### C A P. XXV.

An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office. [21st August 1835.]

‘ WHEREAS by virtue of divers Acts of Parliament His Majesty's Postmaster General is authorized, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take certain Rates of Postage for the Conveyance of Letters and Packets by the Post between the United Kingdom and Foreign Parts: And whereas, in addition to the said Rates, such Letters and Packets are subject to Rates of Postage for their Conveyance within Foreign Kingdoms and States: And whereas it is expedient, for the Purpose of facilitating the Intercourse with Foreign Countries, that the Postage, as well *British* as Foreign, on such Letters and Packets, should be payable in whole or in part either by the Sender or Receiver:’ Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for His Majesty's Postmaster General for the Time being, and his Deputies, and he and they are hereby authorized and empowered, to receive and take, upon any Letters or Packets addressed to any Foreign Kingdom or State, from the Person sending the same, the Postage both *British* and Foreign in one entire Sum, for the Conveyance of such Letters and Packets by the Post to the Places to which the same shall be respectively addressed, and also to demand, receive, and take, upon Letters and Packets coming from Foreign Parts addressed to any Place within His Majesty's Dominions, in addition to the *British* Rates

Postage on Letters to and from Foreign Parts to be taken in one entire Sum.

of Postage to which the same may be liable, the Rates of Foreign Postage which may be due or payable in respect thereof, and to account for or pay over to any Foreign Kingdom or State, Kingdoms or States, entitled to receive the same, the Amount of such Foreign Postage.

II. And be it further enacted, That from and after the Postmaster General for the Time being shall have made and entered into any Treaty or Agreement with the Post Office of any Foreign Kingdom or State for collecting and accounting for the *British* Postage on Letters and Packets sent by the Post from the United Kingdom to any such Foreign Kingdom or State, or to any other Foreign Kingdom or State, and so long as any such Treaty or Agreement shall continue in force, it shall be optional with every Person sending any Letter or Packet by the Post from the United Kingdom to any Foreign Kingdom or State which shall be included in any such Treaty or Agreement, or to which the same shall extend, to pay the *British* and Foreign Postage thereof in one entire Sum as aforesaid, or to send the same without Payment of any Part of such entire Sum, to the Intent that the whole thereof may be paid by the Person or Persons to whom the same shall be addressed, or otherwise to pay the *British* Postage only (as heretofore) on any such Letter or Packet.

III. And be it further enacted, That the Rates of Foreign Postage marked on any Letters or Packets brought into *Great Britain* or *Ireland* shall, in all Courts of Justice and other Places, be deemed, received, and taken as conclusive Evidence of the Amount of Foreign Postage payable in respect of any such Letter or Packet, in addition to the Rates of *British* Postage payable for the Conveyance of the same; and such Foreign Postage shall be recoverable in *Great Britain* and *Ireland*, and other His Majesty's Dominions, as Postage due and payable to His Majesty, His Heirs and Successors.

IV. Provided always, and be it further enacted, That nothing herein or in any other Act or Acts contained shall be construed to entitle any Person or Persons to send or receive by the Post, free from the Duties of Postage, any Letters or Packets which are or may be liable to any Foreign Rates of Postage (the Public Dispatches to and from His Majesty's Secretaries of State, and the *British* Embassies and Legations at Foreign Courts, being *bona fide* on the Public Service, only excepted).

V. And whereas it may be considered expedient that certain Letters and Packets sent by the Post should be registered; be it therefore further enacted, That in case the Postmaster General for the Time being shall at any Time hereafter in his Discretion deem it expedient that any Letters or Packets sent or to be sent by the Post should be registered by the Post Office, it shall be lawful for him, and his Deputy and Deputies by him thereunto authorized, to demand, have, receive, and take, to and for the Use of His Majesty, His Heirs and Successors, for and in respect of each and every Letter or Packet which shall be so registered, such Rate or Rates of Postage, in addition to any Rates payable under or by virtue of this Act or any other Act or Acts of Parliament relating to the Post Office, as the Postmaster General for the Time being, with the Consent of the Lords Com-

Optional Payment of Postage on Letters to Foreign Parts.

Rates of Postage marked on Foreign Letters to be deemed the Amount of Postage payable.

No Letters liable to any Foreign Rates of Postage to be received free.

Registering certain Letters.

missioners of His Majesty's Treasury, or any Three or more of them, signified by Writing under their Hands, or under the Hand of any one of the Secretaries or Assistant Secretaries to the Treasury for the Time being, shall from Time to Time direct or appoint, (but such Registration shall not render the Postmaster General or the Post Office Revenue in any Manner liable for the Loss of any such Letters or Packets, or the Contents thereof,) all which Letters and Packets shall be delivered to the Postmaster General and his Deputy and Deputies, and also be delivered by them at or between such Hours in the Day, and under all such Regulations in every respect as the Postmaster General for the Time being shall in his Discretion from Time to Time appoint, with full Power for him to require such Registration Rate or Rates to be paid on any such Letter or Packet being put into the Post Office.

Packet Postage.

VI. ' And whereas Letters and Packets sent by the Post between *Dovor* and *Calais* are now chargeable with the same Rates of Postages as Letters sent between *London* and *Calais*; and it is expedient to reduce the same;' be it therefore further enacted, That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies by him thereunto authorized, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take, for the Port and Conveyance of all Letters and Packets which shall be carried or conveyed by Packet Boats from or to the Port of *Dovor*, or any other Port in *Great Britain*, to or from the Port of *Calais*, or any other Port in *France*, and not sent to or from *London* (over and above any Inland Rates payable on such Letters and Packets), a Packet Postage according to the Rates and Sums herein-after mentioned; (that is to say,) for the Port and Conveyance of every Single Letter, a Rate of Sixpence; for every Double Letter, One Shilling; for every Treble Letter, One Shilling and Sixpence; and for every Ounce Weight, Two Shillings, and so in proportion for any greater Weight, reckoning every Quarter of an Ounce equal to a Single Letter: Provided always, that nothing herein contained shall extend or be deemed or construed to extend to alter or repeal an Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act to regulate the Conveyance of printed Newspapers by Post between the United Kingdom, the British Colonies, and Foreign Parts.*

4 & 5 W. 4. c. 44.

Postmaster General empowered to reduce Postage on Letters to and from Foreign Parts.

VII. And be it further enacted, That it shall be lawful for the Postmaster General for the Time being, at any Time hereafter, to lower or reduce all or any of the *British* Rates of Postage which are or shall be payable on Letters and Packets sent by the Post to and from Foreign Parts, to such respective Amounts or Extent as the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, signified by Writing under their Hands, or under the Hand of any one of the Secretaries or Assistant Secretaries to the Treasury for the Time being, shall from Time to Time direct or appoint, and thenceforth it shall be lawful for the Postmaster General and his Deputies to demand, receive, and take such reduced Rates accordingly.

Reduction of Postage on Ship Letters.  
9 G. 3. c. 76.

VIII. ' And whereas by an Act passed in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act* for

' for the more secure Conveyance of Ship Letters, and for granting  
 ' to His Majesty certain Rates of Postage thereon, the Postmaster  
 ' General is authorized to collect and receive Letters and Packets  
 ' of Letters, directed to Places within His Majesty's Dominions,  
 ' also to any the Kingdoms and Countries beyond the Seas, and  
 ' to forward the same by any Ships or Vessels that he in his  
 ' Discretion shall think fit, although not Packet Boats, and to  
 ' demand and receive, to and for the Use of His Majesty, His  
 ' Heirs and Successors, for every Letter and Packet which shall  
 ' be delivered to him and his Deputies for Conveyance in the  
 ' Manner therein-before specified, a Sum not less than One Half  
 ' Part of the Rates and Duties payable by Law for such re-  
 ' spective Letters and Packets if the same were conveyed by  
 ' Packet Boats, and in Cases where no Rate of Postage is already  
 ' established, then to demand and receive for such Letters and  
 ' Packets Rates, as near as the same can be ascertained, equal  
 ' to One Half of what is paid for Letters sent beyond the Seas:  
 ' And whereas it is expedient that the Rates of Postage im-  
 ' posed by the said Act should be reduced;' be it therefore  
 enacted, That the Rates of Postage granted by the said last-  
 recited Act for the Conveyance of Letters and Packets through  
 the Post, by Ships or Vessels not being Packet Boats, shall be  
 and the same are hereby repealed, and that in lieu thereof it shall  
 and may be lawful to and for His Majesty's Postmaster General  
 for the Time being, and his Deputy and Deputies by him there-  
 unto authorized, in his and their Discretion, to collect and receive  
 Letters and Packets of Letters, directed to Places within His  
 Majesty's Dominions, also to any the Kingdoms and Countries  
 beyond the Seas, and to forward the same by any Ships or Ves-  
 sels that he in his Discretion shall think fit, although not Packet  
 Boats or Ships or Vessels by which the Postmaster General shall  
 have contracted for the Conveyance of Mails of Letters pursuant  
 to an Act passed in the Second Year of the Reign of King  
 William the Fourth, intituled *An Act to enable His Majesty's*  
*Postmaster General to extend the Accommodation by Post, and to*  
*regulate the Privilege of franking, in Ireland; and for other Pur-*  
*poses relating to the Post Office;* and that it shall be lawful for His  
 said Majesty's Postmaster General, and his Deputy and Deputies  
 by him thereunto authorized, to and for the Use of His Majesty,  
 His Heirs and Successors, to demand, have, receive, and take,  
 for every Letter and Packet which shall be delivered to him or  
 his Deputies for Conveyance in manner lastly herein-before men-  
 tioned, (except Letters and Packets sent by private Ships from  
*Great Britain to Ireland, or from Ireland to Great Britain, or*  
*between any Ports or Places in Great Britain or Ireland,)* the  
 Rates of Postage herein-after mentioned: (that is to say,) if such  
 Letter or Packet be posted at the Port from which such Ship  
 or Vessel shall sail, or at which such Ship or Vessel may touch,  
 a Rate of Eight-pence for every Single Letter, and so in pro-  
 portion for Packets; and if such Letter or Packet shall be posted  
 at any other Part of the United Kingdom than the Port from  
 which such Ship or Vessel shall sail, or at which such Ship or  
 Vessel may touch, a Rate of One Shilling for every Single Letter,  
 and so in proportion for Packets; and for every Letter or

2 W. 4. c. 15.

Packet which shall be delivered to the Postmaster General or his Deputies for Conveyance in manner lastly herein-before mentioned, from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain*, or from any Port or Place in *Great Britain* or *Ireland* to any other Port or Place within the same, or either of them, a Rate of Eight-pence on every Single Letter, and so in proportion as aforesaid for Packets, over and above and in addition to any Rates which may arise on the Inland Conveyance of such last-mentioned Letters or Packets within *Great Britain* and *Ireland*: Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the Rates which the Postmaster General and his Deputy and Deputies are authorized to demand, have, receive, and take for Letters and Packets delivered to him or them for Conveyance to *Ceylon*, the *Mauritius*, the *East Indies*, or the *Cape of Good Hope*, by an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to repeal so much of an Act passed in the Fifty-fifth Year of the Reign of His present Majesty as relates to the Postage and Conveyance of Letters to and from the Cape of Good Hope, Ceylon, the Mauritius, and the East Indies; and to make other Regulations respecting the Postage of such Letters and Packets, and other Letters and Packets sent by the Post*; but the Provisions of this Clause shall nevertheless be deemed and construed to extend to and include Letters and Packets directed to *China*.

59 G. 3. c.111.

Allowance to  
Masters of  
Vessels convey-  
ing Letters.

IX. And for the Encouragement of the Masters of such Ships or Vessels, be it further enacted, That it shall be lawful to and for the said Postmaster General to allow all such Masters the Sum of Two-pence a Letter or Packet upon all such Letters or Packets as they shall respectively have or take on board such Ship or Vessel, provided such Letters and Packets shall have been delivered to them from the Post Office.

Letters may be  
sent by other  
Vessels than  
Packets.

X. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons, at his or their Discretion, from sending any Letters or Packets by any Ship or Vessel (not being a Packet Boat or Ship or Vessel by which the Postmaster General shall have contracted for the Conveyance of Mails of Letters pursuant to the said Act passed in the Second Year of the Reign of King *William* the Fourth), from any Port to any Place out of *Great Britain* or *Ireland*, otherwise than through the Post Office: Provided always, that nothing herein contained shall extend in anywise to authorize or empower any Person or Persons to make any Collection of Letters contrary to the Laws now in force relating to the Post Office.

Assimilating  
Rate of Postage  
on Ship Letters  
in Ireland to  
the Rates on  
Ship Letters in  
Great Britain.

XI. And whereas it is expedient that the Rates on Letters brought into that Part of the United Kingdom called *Ireland* by Ships other than Packet Boats should be assimilated to the Rates on Ship Letters brought into *Great Britain*; be it therefore further enacted, That from and after the passing of this Act it shall and may be lawful to and for the Postmaster General and his Deputies to demand, have, receive, and take for every Letter which shall be brought into *Ireland* by Ships and Vessels other than Packet Boats from Places within His Majesty's Dominions,



and any the Kingdoms and Countries beyond the Seas, other than and except from the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, and the *East Indies*, (in lieu of the Rates of Sea Postage now payable thereon,) the same Rates of Sea Postage (over and above any Inland Rates) as under or by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George the Third*, intituled *An Act for granting certain Rates on the Postage of Letters to and from Great Britain, the Cape of Good Hope, the Mauritius, and the East Indies, and for making certain Regulations respecting the Postage of Ship Letters, and of Letters in Great Britain*, would be payable on such Letters and Packets if brought by such Ships or Vessels into *Great Britain*.

55G. 3. c.153.

XII. And be it further enacted, That from and after the passing of this Act every Letter or Packet which shall be brought into *Great Britain* or *Ireland* by Ships or Vessels other than Packet Boats, from any Port or Place in *China*, shall be liable to and chargeable with the same Rates of Sea Postage (over and above any Inland Rates) as would be payable under or by virtue of the said Act passed in the Fifty-fifth Year of the Reign of King *George the Third* if such Letters or Packets were brought into *Great Britain* by Ships or Vessels other than Packet Boats from any other Foreign Kingdom; and so much of the said last-mentioned Act as enacts that nothing therein contained shall extend to any Letters or Packets from *China* shall be and the same is hereby repealed.

Letters from  
China liable to  
same Rates of  
Sea Postage as  
other Letters.

XIII. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General and his Deputies to demand, have, receive, and take for every Letter or Packet which shall be brought into *Ireland* by any Ship or Vessel arriving from the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies*, the like Rates of Sea Postage (over and above any Inland Rates) as under or by virtue of the said Act passed in the Fifty-ninth Year of the Reign of King *George the Third* would be payable on such Letters and Packets if brought by such Ships or Vessels into *Great Britain*, and to make to the Commander or Master of every such Ship or Vessel the like Allowances in respect of such Letters and Packets as would by Law be allowable in case such Letters and Packets had been brought into *Great Britain*.

Sea Postage on  
Letters from  
certain Places  
to *Ireland*.

XIV. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies by him thereunto authorized, to collect and receive in *Ireland* Letters and Packets directed to the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies*, and to forward the same by any Ships or Vessels that he or they in his or their Discretion shall think fit; and to demand, have, receive, and take for every such last-mentioned Letter or Packet the like Rates of Sea Postage (over and above any Inland Rates) as under or by virtue of the said Act passed in the Fifty-ninth Year of the Reign of King *George the Third* would be payable on such Letters and Packets if the same were sent from *Great Britain*; and the Masters and Commanders of all Ships and Vessels sailing from *Ireland* bound to the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies* are hereby required to receive on board their respective Ships any Bag or Bags of Letters and Packets which

Sea Postage  
from *Ireland* to  
the *East Indies*,  
&c.

shall be tendered to them for Conveyance as aforesaid by the Postmaster General or any Officer of the Post Office, without receiving or being entitled to receive any Remuneration for such Conveyance.

Repeal of  
Postage on  
Newspapers by  
private Ships  
from the Colo-  
nies.  
7 & 8 G. 4. c. 21.

XV. ' And whereas by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to the Duties of Postage in Great Britain and Ireland*, the Postmaster General is authorized to demand and receive for the Use of His Majesty, His Heirs and Successors, for every Newspaper printed within His Majesty's Colonies and Possessions beyond the Seas, and brought into *Great Britain* and *Ireland* by any Ship other than a Packet, and delivered at any Post Office, the Sum of Three-pence: And whereas Newspapers printed within the United Kingdom, and sent from thence by Ships and Vessels (other than Packet Boats) to His Majesty's Colonies and Possessions beyond the Seas (other than and except the *East Indies*), are now liable to the same Rates and Duties of Postage as Letters: And whereas it is expedient that the Rates of Postage on all such Newspapers should be reduced; be it therefore further enacted, That from and after the passing of this Act so much of the said Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth as subjects Newspapers printed within His Majesty's Colonies and Possessions beyond the Seas, and brought into *Great Britain* and *Ireland* by Ships other than Packets, to a Rate of Three-pence each, shall be and the same is hereby repealed.

Sea Postage on  
Newspapers  
by private Ships  
from the Co-  
lonies.

XVI. And be it further enacted, That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand and receive for the Conveyance of every Newspaper printed within His Majesty's Colonies and Possessions beyond Seas, and brought into the United Kingdom by any Ship or Vessel other than a Packet Boat, and delivered by the Commander of any such Ship or Vessel at any Post Office, the Sum of One Penny on Delivery thereof within the United Kingdom to the Person or Persons to whom the same shall be addressed.

Postage on  
Newspapers  
sent by private  
Ships to the  
Colonies.

XVII. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General for the Time being, and his Deputy and Deputies in *Great Britain* and *Ireland*, to receive at any Post Office printed Newspapers liable to the Stamp Duty, and duly stamped, directed to Places within any of His Majesty's Colonies and Possessions beyond the Seas, and to forward the same by any Ships or Vessels that he in his Discretion may think fit (not being Packet Boats), and to demand, have, receive, and take for every Newspaper which shall be delivered to him or his Deputies for Conveyance in manner last aforesaid the Sum of One Penny.

Reduction of  
Postage on  
Newspapers by  
private Ships  
to and from  
Foreign Ports.

XVIII. ' And whereas Foreign Newspapers brought into the United Kingdom by Ships or Vessels other than Packet Boats, and Newspapers printed within the United Kingdom, and sent from thence by Ships and Vessels other than Packet Boats to Foreign Parts, are now liable, on Conveyance by the Post, to

‘ the same Rates and Duties of Postage as Letters ; and it is expedient that the Rates on all such Newspapers should be reduced ; be it therefore further enacted, That from and after the passing of this Act it shall be lawful for His Majesty’s Postmaster General, and his Deputy and Deputies in *Great Britain and Ireland*, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped, directed to any Kingdom or Country beyond the Seas (other than His Majesty’s Colonies and Possessions), and to forward the same to any Foreign Port by any Ships or Vessels that he in his Discretion may think fit (not being Packet Boats), and to demand, have, receive, and take, for the Use of His Majesty, His Heirs and Successors, for every Newspaper which shall be delivered to him or his Deputies for Conveyance in manner last aforesaid the Sum of One Penny ; and for every Newspaper printed in any Kingdom or State beyond the Seas (other than His Majesty’s Colonies and Possessions), and brought into the United Kingdom by any Ship or Vessel (other than a Packet Boat), and delivered by the Commander of any such Ship or Vessel at any Post Office, (if printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise,) it shall be lawful for His Majesty’s Postmaster General and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand and receive the Sum of One Penny on Delivery thereof within the United Kingdom to the Person or Persons to whom the same shall be addressed : Provided always, that before any Newspapers to or from any Foreign Kingdom or State shall be permitted to be conveyed or delivered under the Provisions of this Clause satisfactory Proof shall have been laid before the Postmaster General for the Time being, that printed Newspapers sent from *Great Britain and Ireland*, addressed to any Person or Place in any such Foreign Kingdom or State, are allowed to pass by the Post within any such Foreign Kingdom or State free of Postage, and also that Newspapers addressed to any Person or Place in *Great Britain or Ireland* from any such Foreign Kingdom or State are allowed to pass by the Post within such Foreign Kingdom or State free of Postage ; and it is hereby declared, that as to every Newspaper put into any Post Office within *Great Britain or Ireland*, for Conveyance by Ships or Vessels other than Packet Boats, addressed to any Person or Place in any Foreign Kingdom or State in which printed Newspapers from *Great Britain or Ireland* shall not be allowed to pass by the Post free of Postage, it shall be lawful for His Majesty’s Postmaster General for the Time being (until such satisfactory Proof shall be laid before him as aforesaid), and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take, for the Conveyance of every such printed Newspaper to any Foreign Port, the Sum of Two-pence ; and as to every Newspaper addressed to *Great Britain or Ireland*, and brought into the United Kingdom by any Ship or Vessel other than a Packet Boat from any Foreign Kingdom or State in which such printed Newspapers shall not be allowed to pass by the Post free of Postage, it is hereby declared, that it shall be lawful for His Majesty’s

Proviso.

Majesty's Postmaster General for the Time being (until such satisfactory Proof shall be laid before him as aforesaid), and his Deputy and Deputies, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take, for the Conveyance of every such Newspaper by the Post, the Sum of Two-pence on Delivery thereof to the Person to whom the same shall be addressed, over and above and in addition to any Postage charged thereon by any Foreign Post Office, provided every such Paper be printed and published in the Language of the Kingdom or State from which the same shall be forwarded.

Postage on Newspapers to and from Foreign Parts may be again increased.

XIX. 'And whereas Circumstances may arise which may render it expedient again to impose and demand the said respective Rates of Two-pence by the said last-mentioned Clause granted, after the same shall have ceased to be demanded by reason of such satisfactory Proof having been laid before the Postmaster General for the Time being as aforesaid;' now be it further enacted, That it shall be lawful for His Majesty's Postmaster General for the Time being, by and with the Consent of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, at any Time after such satisfactory Proof shall have been laid before His Majesty's Postmaster General for the Time being as aforesaid, again to impose, demand, and receive the said respective Rates of Two-pence for the Conveyance of any such printed Newspaper to any Foreign Port, and on the Delivery of any such printed Newspaper from any Foreign Kingdom or State, whenever it shall be deemed expedient so to do.

Allowance to Masters and Commanders for Newspapers delivered to or by them from or to the Post Office.

XX. And be it further enacted, That it shall be lawful for the Postmaster General to allow and pay the Masters and Commanders of Ships and Vessels the Sum of One Penny on every printed Newspaper which shall be brought into the United Kingdom under the Provisions of this Act, and be delivered by them at the Post Office of the Post Town at which they shall touch or arrive, and the like Sum of One Penny on every printed Newspaper which shall be delivered by the Postmaster General or his Deputies to any such Masters or Commanders for Conveyance under the Provisions of this present Act.

Not to alter Rates under Act 59 G. 3. c. 111.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the Rates which the Postmaster General and his Deputy and Deputies are authorized to demand, have, receive, and take by the said Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, for printed Newspapers delivered to him or them for Conveyance to the *Cape of Good Hope*, *Ceylon*, the *Mauritius*, or the *East Indies*, which Act it is hereby declared shall be deemed and construed to extend to Newspapers posted in *Ireland* for Conveyance to any of the said last-mentioned Places; but the Provisions of this Act shall nevertheless be deemed to extend to and include Newspapers brought into the United Kingdom from the *Cape of Good Hope*, *Ceylon*, the *Mauritius*, the *East Indies*, and *China*, and also Newspapers delivered to the Postmaster General or his Deputies directed to *China*.

Newspapers to be sent without over, or in

XXII. And be it further enacted, That no Newspaper shall be sent by the Post under the Provisions of this present Act unless every

every such Paper be sent without a Cover, or in a Cover open at the Sides, and that there be no Words or Communication printed on such Paper after the same shall have been published, nor any Writing or Marks upon such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, and so that there be no Paper or Thing enclosed or concealed in or with such printed Paper or the Cover thereof, nor any printed Words or Communication on the Cover thereof.

XXIII. And be it further enacted, That every printed Newspaper to be sent out of the United Kingdom under the Provisions of this Act shall in all Cases be put into a Post Office or Receiving Office in *Great Britain or Ireland* within Seven Days next after the Day on which the same shall be published, the Day of Publication to be ascertained by the Date of such Paper; and in case any such Paper shall be put into any Post Office at any Time after the Expiration of such Seven Days, it shall and may be lawful for His Majesty's Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper, or to forward the same by the Post charged with the full Duty of Letter Postage according to the Rates now established by Law.

XXIV. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies, or any of the Officers employed under him or them respectively, to examine and search any printed Newspaper which under the Provisions of this Act shall be sent by the Post without a Cover, or in a Cover open at the Sides as aforesaid, in order to discover whether any Words or Communication have or has been printed on such Paper after the same was published, or whether there is any Writing or Mark upon such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, or whether there is any Paper or Thing enclosed or concealed in or with such printed Newspaper or the Cover thereof, or whether there are any printed Words or Communication on the Cover thereof, or whether the Papers brought into the United Kingdom from any Foreign Kingdom or State shall be printed and published in the Language of the Kingdom or State from which they shall have been forwarded, and also in order to discover whether Newspapers printed and posted in the United Kingdom are duly stamped; and in case any Words or Communication shall be found to have been printed on any such Paper after the same was published, or any Writing or Mark shall be found on any such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, or any other Paper or Thing shall be found to be enclosed or concealed in or with such printed Paper or the Cover thereof as aforesaid, or any printed Words or Communication shall be found upon the Cover thereof, or in case any Newspaper brought into the United Kingdom from any Foreign Kingdom or State shall not be printed and published in the Language of the Kingdom or State from which the same shall have been forwarded, the whole of every such Packet addressed and delivered to any Person within the United Kingdom shall be charged with Treble the Duty of Letter Postage, according to the Rates now established

a Cover open at the Sides.

Newspapers sent out of the Kingdom to be put into the Post within Seven Days from the Time when published.

Postmaster General may examine Newspapers sent by the Post to discover whether any Writings or Marks are upon them, or any Papers inclosed with them.

lished by Law; and as to every such Paper or Packet going out of the United Kingdom, it shall be lawful for the Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper or Packet, or to forward the same by the Post charged with the Duty of Letter Postage; and in case any Newspaper printed and posted in the United Kingdom, and sent by the Post under the Provisions of this Act, shall appear not to have been duly stamped, the same shall be stopped, and sent to the Commissioners of Stamps either at *London* or *Dublin*, as the Case may be.

XXV. And be it further enacted, That all printed Papers to be conveyed by the Post under the Provisions of this Act shall be delivered to the Postmaster General, or his Deputy or Deputies, at such Hours in the Day and under all such Regulations as the Postmaster General for the Time being shall in his Discretion from Time to Time appoint.

XXVI. And be it further enacted, That so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for establishing a General Post Office for all Her Majesty's Dominions, and for settling a weekly Sum out of the Revenues thereof for the Service of the War and other Her Majesty's Occasions*, as enacts, that if the Packet or Mail shall be carried out of *Great Britain* into any Part or Place beyond the Seas, in any Ship or Vessel which is not a free Ship and navigated with such Seamen as by the Laws of this Land the same are required to be, the Postmaster General for the Time being shall in every such Case forfeit the Sum of One hundred Pounds Sterling, shall be and the same is hereby repealed.

XXVII. And be it further enacted, That the several Rates and Duties of *British* Postage herein-before granted shall be paid from Time to Time into the Hands of the Receiver General for the Time being of the Revenue of the Post Office, who shall pay the same (the necessary Charges for collecting, paying, and accounting for the same being first deducted) into the Receipt of His Majesty's Exchequer, on such Days and Times and in such Manner as the present Rates and Duties are directed by Law to be paid; and the said Duties so to be paid into the said Receipt as aforesaid shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

XXVIII. And be it further enacted, That so often as any Sum or Sums of Money, not exceeding Twenty Pounds, shall be due from any Person or Persons in *Great Britain* or *Ireland*, (whether under this Act, or under any other Act or Acts relating to the Post Office,) for the Postage of any Letter or Packet, Letters or Packets, to him, her, or them delivered by any Deputy, Agent, or Letter Carrier under His Majesty's Postmaster General, or which shall be due from any Deputy, Agent, or Letter Carrier in *Great Britain* or *Ireland* for the Port of any Letters or Packets to him, her, or them intrusted for Delivery under the Authority of the said Postmaster General, or from any other Person or Persons employed or to be employed in receiving or collecting the Postage of Letters or Packets, or any of the Post Office Revenue, it shall be lawful for any Constable, Tithingman, or other Peace Officer of the County, Riding, Division,

Delivery of  
Papers to be  
conveyed by the  
Post.

Repeal of Part  
of 9 Ann. c. 10.

Rates to be  
paid into the  
Hands of the  
Receiver  
General.

Recovery of  
Arrears of  
Postage by  
Distress.

sion, City, Town, or Place where such Person or Persons shall reside, first obtaining a Warrant for that Purpose under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices acting in and for such County, Riding, Division, City, Town, or Place, (which Justice or Justices on Complaint made to him or them shall summon the Party complained of, and the Witnesses on either Side, and examine into the Matter of Fact, and shall grant such Warrant, on due Proof being made of the Sum or Sums due and owing from such Person or Persons as aforesaid by the voluntary Confession of the Party or by the Oath of One or more Witness or Witnesses,) to distrain such Person or Persons by his, her, or their Goods and Chattels for the Amount of such Debt, and the Distress so to be taken to detain and keep for the Space of Five Days at the Costs and Charges of such Person or Persons; and if he, she, or they shall not within the Time pay the Amount of such Debt, with the Costs and Charges of taking and keeping such Distress, then the Goods and Chattels so distrained shall be sold by such Constable, Tithingman, or other Peace Officer, who shall render the Overplus (if any) of the Money arising by the Sale thereof, after deducting and retaining the Amount of such Debt, and the Costs and Charges of taking, keeping, and selling such Distress, to the Person or Persons so to be distrained as aforesaid; and for the Purpose of taking such Distress it shall be lawful for such Constable, Tithingman, or other Peace Officer, when any Refusal or Resistance shall be made, to break open in the Daytime any House or Place where any Goods or Chattels of such Person or Persons shall be, and if no sufficient Distress can be had or taken whereon to levy the said Debt and Charges, then such Justice or Justices shall commit such Person or Persons to the Prison of such County, Riding, Division, City, Town, or Place, there to remain until such Debt and Charges shall be fully paid and satisfied.

XXIX. And be it further enacted, That every Complaint, Information, Summons, Conviction, Warrant of Distress or Commitment, or other such Proceeding, which shall be had or taken under the Provisions of this Act for the Recovery of any Postage or Postage Debt, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the Effect thereof, *mutatis mutandis*, as the Case shall require, and every such Complaint, Information, Summons, Conviction, Warrant, or other such Proceeding which shall be so drawn or made out shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case or the Facts or Evidence in any more particular Manner than is required in and by such Forms respectively; and that wherever the Term "Officer of the Post Office" occurs in this Act or the Schedule thereto, the same shall be construed to mean and include any Deputy, Agent, Officer, Clerk, Letter Carrier, or other Person employed by or under the Post Office, whatever may be his particular Office or Employment; and that whenever the Term "*East Indies*" occurs in this Act, the same shall be construed to mean and include every Port and Place within the Limits of the Charter of the United Company of Merchants commonly called The *East India* Company, not being in *China*; and that whenever in this Act,

Proceedings to be in the Form specified in the Schedule.

or the Schedule thereto, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood to include several Persons as well as one Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as one Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

**XXX.** And be it further enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his or her full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action and of the Verdict obtained thereupon.

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

Act may be altered.



SCHEDULE to which this Act refers.

No. 1.

*Form of Complaint whereon to found a Warrant of Distress for Recovery of Postage.*

County [or as the  
Case may be ] } BE it remembered, That on this  
of } Day of in the Year of our Lord  
to wit. } at in the  
of } *A.B.*, an Officer of the Post  
Office, complaineth to me *C.D.* Esquire, one of His Majesty's  
Justices of the Peace for the said that the Sum of  
is due and owing from *E.F.* of to  
His Majesty [or to the said *A.B.*, if the Case be so,] for the Duty  
of Postage, which he hath refused or neglected to pay ; and  
thereupon the said *A.B.* prayeth of me the said Justice that the  
said *E.F.* may be summoned to appear and show Cause, if any  
he have, why, upon due Proof being made of the Sum due and  
owing from him for Postage as aforesaid, a Warrant of Distress  
should not be granted for Recovery thereof pursuant to the  
Directions of the Statute in that Behalf made.

Taken and received by me the Day and }  
Year first above written. }

No. 2.

*Form of a Summons on the foregoing Complaint.*

To *E.F.* of, &c.

County [or as the  
Case may be ] } WHEREAS Complaint hath been made unto  
of } me *C.D.* Esquire, one of His Majesty's Justices  
to wit. } of the Peace for the of  
that the Sum of is due and  
owing from you to His Majesty [or to *A.B.* an Officer of the  
Post Office, if the Case be so,] for the Duty of Postage, which  
you have refused or neglected to pay ; these are therefore to  
summon you to be and appear at in the said  
on the Day of at the Hour of  
in the noon of the same Day, before me the said Justice,  
or before such other of His Majesty's Justices of the Peace for  
the said as shall be then present, in order  
that you may show Cause, if any you have, why, on due Proof  
being made of the Sum of Money due and owing from you for  
such Duty of Postage as aforesaid, a Warrant of Distress should  
not be granted for the Recovery thereof pursuant to the Direc-  
tions of the Statute in that Behalf made ; and if you fail to  
appear accordingly such Proceedings will be taken as if you had  
appeared and had not shown any sufficient Cause why such  
Warrant should not be granted. Given under my Hand and  
Seal this Day of

## No. 3.

*Form of a Warrant of Distress, founded on the foregoing Complaint.*

To the Constable of \_\_\_\_\_ [or to C. D. of \_\_\_\_\_]  
as the Case may be].

County [or as the Case may be] } WHEREAS Complaint hath been made that  
of \_\_\_\_\_ } E. F. of \_\_\_\_\_ is indebted  
to wit. } to His Majesty [or to A. B. an Officer of the  
Post Office, if the Case be so,] in the Sum of \_\_\_\_\_  
for the Duty of Postage, which he hath refused  
or neglected to pay : And whereas the said E. F. hath been duly  
summoned, and due Proof hath been made on Oath before me  
that the Sum of \_\_\_\_\_ is due and owing from the  
said E. F. for such Duty of Postage as aforesaid, and that he  
hath neglected to pay the same : Therefore I command you to  
distrain the said E. F. by his Goods and Chattels, and to levy  
thereon the said last-mentioned Sum, being the Amount of such  
Duty of Postage as aforesaid, and also the further Sum of \_\_\_\_\_  
for the Costs, Charges, and Expences of pro-  
ceeding for and obtaining this Warrant and of the Proceedings  
incident and relating thereto, making together the Sum of \_\_\_\_\_  
; and if within the Space of Five Days next after  
the taking of such Distress the Sum of \_\_\_\_\_  
together with the reasonable Costs and Charges of taking and  
keeping such Distress, shall not be paid, then I do hereby order  
and direct that you shall sell and dispose of the said Goods and  
Chattels which shall be so distrained, and that you shall levy  
and raise thereout the said Sum of \_\_\_\_\_ and all  
reasonable Costs and Charges of taking, keeping, and selling such  
Distress, rendering the Overplus (if any) to the Owner of the  
said Goods and Chattels ; and you are to certify to me what you  
have done by virtue of this my Warrant. Given under my  
Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_

(Signed)

One of His Majesty's Justices of the Peace  
for the said \_\_\_\_\_ of \_\_\_\_\_

## No. 4.

*Form of a Warrant of Commitment for Want of sufficient Distress, founded on the foregoing Complaint.*

To the Constable of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
and also to the Keeper of the Common  
Gaol [or House of Correction] at \_\_\_\_\_ in the  
said \_\_\_\_\_

County [or as the Case may be] } WHEREAS Complaint was made that E. F. of \_\_\_\_\_  
of \_\_\_\_\_ } was indebted to His Majesty  
to wit. } [or to A. B., an Officer of the Post Office, if  
the Case be so,] in the Sum of \_\_\_\_\_ for  
the Duty of Postage, which he had refused or neglected to pay :  
And whereas the said E. F. was duly summoned, and due Proof  
was made on Oath that the Sum of \_\_\_\_\_ was due and  
owing \_\_\_\_\_

owing from the said *E. F.* for such Duty of Postage as aforesaid, and that he had neglected to pay the same: And whereas a Warrant has been issued directed to *C. D.* of commanding him by Distress and Sale of the Goods and Chattels of the said *E. F.* to levy the said last-mentioned Sum, being the Amount of such Duty of Postage as aforesaid due and owing from the said *E. F.*, and also the further Sum of for the Costs, Charges, and Expences of proceeding for and obtaining the said Warrant and of the Proceedings incident and relating thereto, making together the Sum of : And it now appearing to me, by the Oath of the said *C. D.*, that no sufficient Distress can be found whereon to levy the said Duty, Costs, and Charges, [*or, in case an insufficient Distress shall have been taken,* And whereas the said *C. D.* hath certified to me that he hath, under the said Warrant, levied and raised the Sum of only; and it now appearing to me, by the Oath of the said *C. D.*, that no sufficient Distress can be found whereon to levy the Residue of the said Duty, Costs, and Charges,] therefore I command you the said Constable of to apprehend and take the said *E. F.*, and safely to convey him to the Common Gaol [*or House of Correction*] of the said at in the said and there to deliver him to the Keeper thereof, together with this Warrant: And I do hereby command you the said Keeper to receive into your Custody in the said Gaol [*or House of Correction*] him the said *E. F.*, and him therein safely to keep until the said Sum of , *or* until the Sum of , the Residue of the said Duty, Costs, and Charges remaining after deducting the said Sum of so levied and raised as aforesaid, shall be fully paid and satisfied. Given under my Hand and Seal this Day of .

(Signed)

One of His Majesty's Justices of the Peace  
for the said of .

## C A P. XXVI.

An Act for the Appointment of convenient Places for the holding of Assizes in *Ireland*. [21st August 1835.]

WHEREAS, by a Statute made in the Sixth Year of the Reign of King *Richard* the Second, it was ordained, that the Justices assigned to take Assizes and deliver the Gaols should hold their Sessions in the principal and chief Towns of every of the Counties where the Shire Courts of the same Counties should be holden: And whereas by a Statute made in the Eleventh Year of the same Reign, reciting so much of the said Statute of the Sixth Year as is herein-before recited, and stating that the said Statute was in part prejudicial and grievous to the People of divers Counties in *England*, it was provided that the Chancellor of *England* for the Time being should have Power thereof to make and provide Remedy, by Advice of the Justices, from Time to Time when Need should be, notwithstanding the said Statute: And whereas the Places

6 Ric. 2. c. 5.  
11 Ric. 2. c. 11.

5 & 6 GUL. IV. I at

at which the Assizes are now held in various Counties of *Ireland* are inconvenient to the Inhabitants thereof, and it would conduce to the more cheap, speedy, and effectual Administration of Justice to appoint other Places instead thereof for the holding of Assizes; but Doubts may be entertained whether that Object can be fully effected by virtue of the Statutes herein-before referred to: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of each of the said Statutes as relates or may be construed to relate to holding Assizes or Sessions in *Ireland* shall be and the same is hereby repealed.

Recited Statutes in part repealed.

Lord Lieutenant, &c. may direct at what Places Assizes and Sessions shall be held, &c.;

as also Special Commissions.

Place for holding Assizes not to be changed, or Counties divided, unless desired by Grand Jury.

Power to divide Counties for the Purpose of holding Assizes in different Divisions of the same County.

II. And be it declared and enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall have Power from Time to Time to order and direct at what Place or Places in any County in *Ireland* the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the Dispatch of Civil and Criminal Business, shall be holden, and to order and direct such Assizes and Sessions for the Dispatch of Criminal and Civil Business to be holden at more than One Place in the same County, and to order and direct the Assizes and Sessions under such Commissions for the Dispatch of Criminal or Civil Business to be holden at One or more Place or Places in such County; and further to order and direct any Special Commissions of Oyer and Terminer and Gaol Delivery to be holden at any One or more Places in any such County.

III. Provided always, and be it enacted, That it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council there, to make any Order for changing the Place for holding the Assizes in any County, or for dividing any County, for the Purposes of this Act, unless a Memorial shall have been presented to him or them by a Majority of the Grand Jury of the Assizes of such County, praying that such Change or Division may be made.

IV. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit to order and direct that the Assizes or any such Special Commissions shall be holden at more than One Place in any One County, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by and with the Advice aforesaid, to divide any such County for the Purposes of this Act, and to make Rules and Regulations touching the Venue in all Cases, Civil and Criminal, then pending or thereafter to be pending and to be tried within any Division of such County so to be made as aforesaid; and touching the Liability and Attendance of Jurors, whether Grand Jurors, Special Jurors, or Common Jurors, at the Assizes and Sessions as aforesaid, or at any Sessions under any Special Commissions, to be holden within any such Division; and touching the Use of any House of Correction or Prison as a Common Gaol, and the Government and Keeping thereof; and touching the Alterations of any Commissions, Writs, Precepts, or other

other Proceedings whatsoever for carrying into effect the Purposes of this Act; and touching any other Matters that may be requisite for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified in the *Dublin Gazette*, or in such other Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit to direct.

## C A P. XXVII.

An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in *Ireland*.

[21st August 1835.]

‘ **W**HEREAS several Acts from Time to Time have passed, containing Regulations for the Linen and Hempen Manufactures in *Ireland*, and such Regulations were, by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Linen and Hempen Manufactures in Ireland*, continued in force until the End of the present Session of Parliament, when the same will expire; and it is expedient that such Regulations should be, with certain Modifications, continued for a Time to be limited:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all Flax sold by Sample or otherwise, or exposed for Sale in open Fair or Market, in *Ireland*, shall be of equal Cleanness and Quality throughout each Parcel, upon pain that any Person selling or exposing for Sale such Flax, or the Owner thereof at the Time of Sale, shall forfeit and pay a Sum not exceeding the Amount of One Shilling for every Stone of Flax so sold or exposed for Sale which shall not be of equal Cleanness and Quality throughout each Parcel. 2 & 3 W. 4 c. 77.

All Flax sold or exposed for Sale in Fair or Market to be of equal Cleanness and Quality throughout; Penalty not exceeding 1s. per Stone.

II. And be it further enacted, That all brown or unbleached or unpurged Linen Yarn sold in open Fair or Market in *Ireland* shall be well and sufficiently spun and made up into Hanks, each Hank to consist of Twelve Cuts and no more, save and except in the Case of Yarn or Grist of Two Hanks in the Pound, commonly called Pound Yarn or Head Yarn, which last-mentioned Description of Yarn shall be made up in Half Hanks of Six Cuts and no less; and every such Cut shall contain One hundred and twenty Threads, and no more; and every such Hank shall be One Yard and One Quarter in Length, or Two Yards and One Half in Circumference, and no more; and each such Cut in every such Hank shall be separated as the same shall be reeled, and not afterwards; and in reeling such Linen Yarn no more than One Thread at a Time shall be reeled; and all the Yarn contained in every such Hank shall be of Flax Yarn only, or Tow Yarn only, of the same Colour and Fineness throughout each Hank; and when the Hank or Twelve Cuts are reeled, the

Regulations as to reeling and counting Linen Yarn when sold in Fair or Market.

same shall be made up in such Manner as to admit of opening thereof at every Part at Ten Inches at least, for the Purpose of spreading on the Bleach Green; and in case any Person or Persons shall sell or expose for Sale in open Fair or Market any Yarn which shall not be conformable to the above Regulations, or which shall be deficient in Quality, Length, or Count, such Person or Persons, or the Owner or Owners of such Yarn at the Time of Sale, shall forfeit a Sum after the Rate of not less than One Penny nor more than Four-pence for every Hank of such Yarn so sold or exposed for Sale as aforesaid; and that in all Cases of Fraud or wilful Default in the Preparation of Linen Yarn which shall be sold or exposed for Sale in open Fair or Market, the Person or Persons selling or exposing for Sale such Yarn, or the Owner or Owners thereof, shall forfeit a Sum not less than One Penny nor more than Four-pence for every Hank of such Yarn so sold as aforesaid: Provided always, that nothing herein-before contained shall extend or be construed to extend to Mill-spun Yarn, and that no Mill-spun Yarn shall be subject to the Regulations aforesaid.

Places and  
Hours of Sale  
of Linen Yarn  
and Flax.

III. And be it further enacted, That for the Purposes of this Act all Flax or Linen Yarn which shall be sold or exposed for Sale in the public or usual Market Place of any Fair or Market, between the Hours of Eight of the Clock in the Forenoon and Two of the Clock in the Afternoon of any Fair or Market Day, shall be deemed and taken to be sold or offered for Sale in open Fair or Market, and none other; any Law, Usage, or Custom to the contrary notwithstanding.

Weaver to  
weave Two  
coarse Threads,  
and write his  
Name and Re-  
sidence on every  
Piece of Linen,  
with its Length  
and Breadth.

IV. And be it further enacted, That across each End of every Piece of Linen Cloth sold or exposed for Sale in open Fair or Market in *Ireland*, there shall be woven Two coarse Threads or Cords, distant from each other about One Fourth Part of an Inch; and there shall be written with Pen and Ink, close to such coarse Threads or Cords on each End, in legible Characters, the Christian Name, Surname, and Place of Residence of the Weaver or Manufacturer thereof, and there shall be also written or marked upon the Outside Fold of every such Piece of Linen the Length and Breadth thereof; and in case any Person shall sell or offer for Sale in open Fair or Market any Piece of Linen wherein such Threads or Cords shall not be so woven, or whereon the Name and Residence of the Weaver or Manufacturer, and the Length and Breadth thereof, shall not be so written, such Person so offending shall, upon Complaint and Proof thereof, forfeit a Sum not exceeding Five Shillings for every such Offence, according to the Judgment and Discretion of the Justice or Chief Magistrate before whom any such Complaint shall be made.

Penalty for  
Neglect.

Widths of  
Linen Cloth.

V. And be it further enacted, That no Person shall sell or expose for Sale in open Fair or Market in *Ireland* any Piece of brown Linen Cloth being of or exceeding the Set of Twelve hundred, made or intended to be of the Denomination commonly called Yard wide, that shall not be, when brown and before the same shall be bleached, Thirty-seven Inches and a Half broad at least; and that all Cloth of the Denomination of Yard wide, being under the Set of Twelve hundred, shall be,  
when

Yard wide.

when brown, Thirty-six Inches broad at least; and that no Person shall sell or expose for Sale in any public Market any Piece of plain Linen Cloth being of the Denomination commonly called Seven Eighths wide, that shall not be, when brown and before the same shall be bleached, Thirty-two Inches broad at least; and that no Person shall sell or expose for Sale in any public Market any Piece of plain Linen Cloth being of the Denomination commonly called Three Quarters wide, that shall not be, when brown and before the same shall be bleached, Twenty-eight Inches broad at least; and that no Person shall sell or expose for Sale in any public Market any Piece of plain Linen Cloth of the Denomination of Nine Eighths wide Sheeting, that shall not be, when brown and before the same shall be bleached, Forty-one Inches broad at least; and that no Person shall sell or expose for Sale in any public Fair or Market any Piece of plain Linen Cloth of the Denomination of Five Quarters wide Sheeting, that shall not be, when brown and before the same shall be bleached, Forty-five Inches broad at least; and that no Person shall sell or expose for Sale in any public Fair or Market any Piece of plain Linen Cloth of the Denomination of Six Quarters wide Sheeting, that shall not be, when brown and before the same shall be bleached, Fifty-four Inches broad at least; and that if any Person shall sell or expose for Sale in any Fair or Market any Linen Cloth or Sheetings of the Denominations above mentioned, which shall not be respectively of the Widths above directed and specified, every such Person shall be subject to a Penalty of not less than Five Shillings nor more than Ten Shillings for each such Piece so sold in open Fair or Market.

VI. And be it further enacted, That every Piece of brown or unbleached Linen Cloth which shall be exposed to Sale in open Fair or Market shall be so exposed in open Folds, and no ways tied at either End or in the Middle, upon pain that any Person selling or exposing for Sale any such Linen Cloth contrary to the Directions aforesaid shall forfeit not less than Two Shillings and Sixpence nor more than Five Shillings for every such Piece so sold or exposed for Sale as aforesaid.

VII. And be it further enacted, That no Person shall in open Fair or Market sell or expose for Sale any Piece of brown or unbleached plain Linen Cloth which shall be thicker or finer in the Selvage than in the Body of such Piece, or which shall not be of equal Fineness and Thickness throughout every Part of the Length and Breadth of such Piece, under a Penalty of a Sum not less than Two Shillings and Sixpence nor more than Twenty Shillings for every such Piece of Linen so sold or exposed for Sale as aforesaid.

VIII. And be it further enacted, That no Person shall sell or expose for Sale in open Fair or Market any Piece of brown or unbleached Linen any Part whereof shall have been glazed, pasted, or spouted, after it is woven, or dyed or stained, either in the Yarn or Cloth, with any Material which has a Tendency to render the Part so glazed, pasted, spouted, dyed, or stained more difficult to bleach, or to deceive the Buyer as to Quality, on pain of forfeiting not less than Five Shillings nor more than Twenty Shillings for every such Piece so sold as aforesaid.

7-8ths wide.

3-4ths wide.

9-8ths wide.

5 Qrs. wide.

6 Qrs. wide.

Penalty.

How Linen Cloth shall be exposed to Sale in Fair or Market.

Linen to be of equal Fineness throughout.

Linen not to be pasted or spouted.

What shall be deemed a Sale or Exposure for Sale of Linen in Fair or Market.

IX. And be it further enacted, That for the Purposes of this Act all Linen 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 herein-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.

Proceedings before Justice or Chief Magistrate upon Complaints on Oath.

X. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or the Chief Magistrate of any Town, before whom a Complaint on Oath shall be made against any Person or Persons for selling or offering for Sale in Fair or Market any Flax, Yarn, or Linen not conformable to the Regulations in this Act contained, or for any Fraud or wilful Default in the Preparation or Manufacture of such Flax, Yarn, or Linen so sold or offered for Sale, and such Justice or Chief Magistrate is hereby required and empowered, to summon before him Three Persons skilled in Flax, Yarn, or Linen, as the Case may be, of whom One shall be named by the Party making such Complaint, another by the Party against whom such Complaint may be made, and the Third by such Justice or Chief Magistrate; and in default of either Party making such Nomination, such Justice or Chief Magistrate shall nominate a Person on behalf of the Party so making default; and the Three Persons so summoned shall be sworn by such Justice or Chief Magistrate well and truly to examine the Flax, Yarn, or Linen, as the Case may be, which is the Subject of such Complaint, and a true Verdict to give whether such Complaint be or be not well-founded; and such Verdict shall be conclusive on the Subject of such Complaint; and if such Complaint shall be declared to be ill-founded, then and in such Case the said Three Persons shall award such Compensation as they may deem just to be paid by the Party making such Complaint to the Person or Persons against whom such Complaint may have been made, for his or her or their Trouble and Loss of Time and Expences occasioned by such unfounded Complaint; and the Money so awarded shall and may be recovered by all such Means as any Penalty might have been recovered in case the said Complaint had been proved to be well founded.

For settling Disputes between Buyer and Seller in Fairs and Markets.

XI. And whereas Disputes frequently arise between the Buyer and Seller, in respect of Flax, Yarn, and Cloth sold or agreed to be sold in Fairs or Markets; for Remedy whereof, be it enacted, That if the Buyer of any such Flax, Yarn, and Cloth sold or agreed to be sold in Fair or Market shall without just Cause refuse to pay to the Person selling the same the Price agreed upon between them, or if the Seller shall without just Cause refuse to deliver such Flax, Yarn, or Cloth to the Person buying the same, or shall wilfully neglect to present the same for Payment at the usual Place of Payment of the Buyer within Five Hours after having sold the same, being duly informed of such Place



**Place of Payment**, it shall be lawful for the Buyer or Seller of the same respectively to complain, at any Time within Twenty-four Hours, to the next Justice of the Peace, or to the Chief Magistrate of any Town where such Dispute shall have arisen; and every such Justice of the Peace or Magistrate is hereby required and authorized forthwith to summon the Parties to appear before such Justice and some other Justice or Chief Magistrate; and if it shall appear to such Justices, or Chief Magistrate and Justice, that the Buyer shall without just and reasonable Cause refuse or have refused to pay the Seller the Price first agreed upon between such Buyer and Seller at such Fair or Market, such Justices of the Peace, or Magistrate and Justice, may, by Warrant under their Hands and Seals respectively, order such Flax, Yarn, or Cloth to be returned to the Seller thereof, and may by such Warrant direct any Penalty not exceeding the Sum of Ten Shillings to be levied off the Goods and Chattels of the Buyer thereof; and if it shall appear to such Justices of the Peace, or to such Chief Magistrate and Justice, that the Seller shall without reasonable Cause refuse or have refused to deliver up such Flax, Yarn, or Cloth to the Person or Persons to whom he had sold or agreed to sell the same, or shall have wilfully neglected to present the same for Payment at the usual Place of Payment of the Buyer within Five Hours after having sold the same, being duly informed of such Place of Payment, such Justices of the Peace, or Chief Magistrate and Justice, may, by Warrant under their Hands and Seals, order the same to be delivered up to the Person who had bought or agreed to buy the same, and may also by such Warrant direct any Penalty not exceeding the Sum of Ten Shillings to be levied off the Goods and Chattels of the Seller.

**XII.** Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to nor shall affect any Flax, Yarn, or Linens not sold nor exposed for Sale in open Fair or Market, it being the true Intent and Meaning of this Act that all Persons may manufacture and make up Flax, Yarn, or Linens in any Manner they may think proper, and sell the same, without being subject to any Regulations, Penalties, or Provisions in this Act contained, unless they sell or expose for Sale the same in open Fair or Market.

**XIII.** And whereas it is expedient and necessary that fit and proper Persons should be provided to examine, measure, and stamp all brown or unbleached Linens sold in public Markets, in all Cases where the Buyers of any such Linens shall require the said Linens to be examined, measured, and stamped by any such Persons, before they pay for the same; and to the end that no Inconvenience should be felt from the Want of any such Persons upon and immediately after the Commencement of this Act, be it enacted, That all Persons who at any Time before the Commencement of this Act have been appointed or authorized to act as Sealmasters of brown Linen under the Provisions of the said recited Act of the Second and Third Years of His present Majesty's Reign, and who shall be acting in that Capacity at the Time of the Commencement of this Act, shall continue to act therein until the Appointment or Appointments

Flax, Yarn, and Linens not to be subject to Regulations unless sold in open Market.

Sealmasters of brown Linens formerly appointed to be continued.

of every such Sealmaster respectively shall be afterwards confirmed or revoked in manner directed by this Act.

Lord Lieutenant to appoint a Committee in each County for regulating Sealmasters.

XIV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to nominate and appoint, in any and every County in which the Linen Manufacture or any Branch thereof is or shall be carried on, Twelve such Persons, residing in such County, or buying or selling Linens therein, as shall appear to be fit and proper Persons, to be a Committee for appointing, directing, and controlling the Inspectors and Brown Linen Sealmasters of such County, conformably to the Regulations, Provisions, and Directions prescribed by this Act, of which Nomination and Appointment public Notice shall be given in the *Dublin Gazette*, and in some Paper published in every such County respectively; and in case of the Death or Resignation of any Person appointed to be a Member of such Committee, and in case of any Removal made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being of any Person from the Situation of Member of the said Committee, which Removal the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being is and are hereby empowered to make, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being as aforesaid to nominate and appoint such other Person or Persons as he or they shall think fit to be a Member or Members of such Committee in the Room and Stead of the Person or Persons who shall have died or resigned, or who shall have been so removed; and Notice of every such Nomination or Appointment shall be given in the *Dublin Gazette* and in any Newspaper of the County to which such Nomination shall relate.

Committees appointed under 2 & 3 W. 4. c. 77. to continue, unless superseded.

XV. Provided always, and be it enacted, That the Persons appointed or authorized under the herein-before recited Act of the Second and Third Years of the Reign of His present Majesty to constitute Committees in their several Counties for the Purposes of such Act, and who shall be acting in that Capacity at or previous to the Commencement of this Act, shall be and constitute, without further Nomination or Appointment, the respective Committees in such Counties for the Purposes of this Act, and shall be deemed and taken to be and to have been appointed hereunder, and shall have Power and Authority accordingly to act in execution of this Act until or unless the Lord Lieutenant or other Chief Governor or Governors shall think fit to supersede such Persons.

Committee may remove Sealmasters and appoint others.

XVI. And be it further enacted, That every such Committee, having formed a List of all Persons acting as Sealmasters in the County for which such Committee shall be appointed, shall then proceed to revise the said List; and it shall and may be lawful for every such Committee, or any Five or more of them, upon such Revision, to dismiss any Person from the Situation of Sealmaster whom they shall consider to be unfit for such Situation, and to appoint another in place of the Person so dismissed, and so from Time to Time to dismiss and appoint every such Person as such Committee, or any Five or more of them, shall deem

deem it right to dismiss from or appoint to the Office and Situation of a Sealmaster of brown Linen, limiting or extending the Number of such Sealmasters according as it shall seem to such Committee to be expedient and necessary; and it shall and may be lawful for every such Committee, or any Five or more of them, to confine the Duties and Authorities of every Sealmaster to such particular Linen Market or Markets in their respective Counties as they shall think proper, and to dismiss any Sealmaster who shall refuse or neglect to obey any such Rules, Regulations, and Directions as such Committee shall lay down for the Government of such Sealmaster; provided that nothing contained in the said Rules, Regulations, and Directions shall be contrary to any of the Provisions of this Act.

XVII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in his or their Discretion, to order and direct that such Committee as aforesaid shall, within a Time to be specified, make a Report of the Grounds upon which any Dismissal of any Sealmaster may have taken place by or under the Orders of such Committee, and such Report such Committee are hereby required to make accordingly, within such Time as shall be specified for that Purpose; and it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to direct that the Matter of such Report shall be inquired into by any Person or Persons to be named and appointed for that Purpose by such Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and according to the Result of such Inquiry, or in case no Report shall be made by such Committee within the Time so specified, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, either to confirm such Dismissal or to revoke the same, and to direct that the Person so dismissed shall be restored to his Situation of Sealmaster.

XVIII. And be it further enacted, That every Person who shall act or previous to the Commencement of this Act be acting as a Sealmaster in any County, and desirous of continuing so to do, shall within Twenty Days after the passing hereof, enter, with Two sufficient Sureties, into such Security as herein-after mentioned; and that every Person who shall be at any Time after the passing of this Act appointed a Sealmaster shall, before doing any Act by virtue of such Appointment, enter, with Two sufficient Sureties, into such Security as herein-after mentioned; (that is to say,) a Security by Writing Obligatory to our Sovereign Lord the King in such penal Sum or Sums as shall be directed by the Committee for the County wherein such Sealmaster shall act, such Writing Obligatory to be in such Form of Words as Obligations to the King's Majesty are used to be made, for the Performance of the Conditions thereunto written; and the Committee for each County shall have Power and Authority to take and cause such Writing Obligatory to be made and entered into; and all Obligations so made shall be good and effectual in Law to all Intents and Purposes as any Obligation made to our Sovereign Lord hath heretofore been or may be adjudged or taken to be; and the Condition of every such Security shall be, that

Lord Lieutenant may direct the Committee to report the Grounds upon which they have dismissed any Sealmaster; and cause such Report to be inquired into; and confirm or revoke such Dismissal.

Sealmaster shall give Security.

that the Person so appointed a Sealmaster shall duly and diligently execute his Office according to the Regulations of this Act; and that such Sealmaster, his Executors or Administrators, shall duly and without Delay pay all such Fines as shall be imposed on him from Time to Time by any Justice or Chief Magistrate, and all such Damages as may be awarded against him in any Suit or Proceeding under this Act; and that in case of the Death of any of his Sureties, such Sealmaster will, within One Month after such Death shall have come to his Knowledge, procure another sufficient Person to enter into a like Security; and that such Sealmaster, his Executors or Administrators, will surrender and give up his Seal or Stamp when thereunto required by such Committee, or any Five or more of them; and that he will not at any Time lend, hire out, or sell his Stamp or Seal, or suffer the same to be used by any Person but himself, or his known Servant or Assistant at his usual Place of Residence: Provided always, that no such Writing Obligatory to be made or entered into as aforesaid by any Person who shall at the Commencement of this Act (but not otherwise) be acting as a Sealmaster in any County, and who shall be desirous of continuing so to do, shall be subject to any Stamp Duty whatsoever imposed by any Act or Acts now in force, or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

Committee to prescribe Seals to be used by Sealmasters.

XIX. And be it further enacted, That it shall and may be lawful for every such Committee, or any Five or more of them, to choose and prescribe the Form and Device of the Seal or Stamp to be used by the Sealmaster of their respective County, and to alter the same as often as such Committee shall think fit; and if any Person shall forge or counterfeit any Seal or Stamp of any Sealmaster appointed or to be appointed by such Committee, or any Five or more of them, to any Piece or Part of a Piece of brown Linen, such Person, being thereof lawfully convicted, shall be imprisoned, with or without hard Labour, for any Period not exceeding One Year, at the Discretion of the Judge or Judges who shall try such Offence.

Forging Seals.

Residence of Sealmasters.

XX. And be it further enacted, That every Sealmaster of brown Linen, except such as are or shall be appointed to particular Markets, shall reside within the Parish mentioned on his Seal; and that One of the Persons who shall enter into Security for him as aforesaid shall be resident within the same Parish, or in or within One Mile of the next Market Town thereto within the same County; and that a Sealmaster appointed for any particular Market shall be at liberty to use his Seal or Stamp in respect to all Linens prepared for Sale in such Market, without reference to his Place of Residence.

Duties of Sealmasters.

XXI. And be it further enacted, That every Sealmaster of brown or unbleached Linen, appointed as aforesaid, shall carefully view, examine, and measure every Piece of such Linen which shall be produced and offered to him to be sealed; and if the same shall appear to him to be merchantable, and to be conformable to the Directions in this Act contained, then, and not otherwise, such Sealmaster shall affix or cause to be affixed a fair Impression of such Seal as shall be appointed for him by the

the said Committee, with Lamp Black, or Vermillion, or Stone Blue, and Size or common Oil, on the Middle of such Fold, at no more than Thirteen Inches from the End of such Piece, and shall likewise mark or cause to be marked with such Ingredients as aforesaid, on the Back or Outside of every such Piece, the Length of such Piece, and the Number of Inches it contains in Breadth, and also the Half Inch if the same shall be in Breadth Half an Inch more than any Number of Inches (without regard to any lesser Fractions of an Inch), together with the Name of such Sealmaster, and the Parish and County where he resides, or the Name of the Market Town for which he may be appointed to act; and if any Parts of such Piece shall be damaged or faulty, but not so damaged or faulty as to render the same unmerchantable, every such damaged or faulty Part shall be fairly exposed in the Lap or Bosom of such Piece, so as that the same may be easily seen; and opposite to such damaged or faulty Part, upon the Bosom of every such Piece, such Sealmaster shall affix or cause to be affixed an Impression of his Seal, with such Ingredients as aforesaid, to denote such damaged or faulty Part; and such Sealmaster shall and may demand and take the Sum of One Penny, and no more, for every Piece of brown or unbleached Linen containing Twenty-five Yards or under which shall be by him sealed as aforesaid, and so in proportion for a greater Quantity; and if any such Sealmaster shall offend by neglecting or transgressing any One of the Regulations aforesaid, every such Sealmaster shall forfeit a Sum not less than Five Shillings nor exceeding Twenty Shillings for every such Offence.

Their Fees.

Penalty for Neglect.

XXII. And be it further enacted, That no Person shall in open Fair or Market in *Ireland* sell or expose to Sale, buy or agree to buy, any Pieces of brown or unbleached Linen which shall not, at the Time of selling or exposing the same to Sale, be sealed and marked as required by this Act, upon pain of forfeiting the Sum of Five Shillings for every Piece of Linen so sold or exposed to Sale.

No Person to sell or buy any unbleached Linen not sealed.

XXIII. And be it further enacted, That all brown Linen shall be measured between Seal and Seal, and bad and insufficient Ends shall not be taken into the Length thereof; and such Linen shall be bought and sold by no other Measure than the Statute Yard containing Thirty-six Inches; and no extraordinary Measure or Allowance, except the Breadth of a Thumb, as is now generally practised, to every Yard in the measuring thereof, shall be made therein by the Seller to the Buyer, or required or accepted of or taken by the Buyer from the Seller, upon pain that every Person buying or selling any such Linen contrary to the true Intent and Meaning of this Act shall forfeit not less than Two Shillings and Sixpence nor more than Five Shillings for every such Offence.

Sealmasters to measure between Buyer and Seller.

XXIV. And be it further enacted, That if any Person shall sustain any Loss or Damage in the buying any Piece of brown or unbleached Linen, by any damaged Part being concealed in the Folds thereof, or by its not answering the Measure as to the Length or Breadth marked thereon by any Sealmaster, it shall and may be lawful to and for such Person to sue for and recover from the Sealmaster of such Piece, or the Persons who shall at the

Buyers may recover from Sealmasters for Damage or Deficiency in Linen.

the Time of such sealing be bound as Security for his faithful Discharge of the Office of Sealmaster, the full Value of the Loss or Damage so sustained.

Committee shall appoint Inspectors.

XXV. And be it further enacted, That it shall and may be lawful for the Committees aforesaid, or any Five of their Body, to appoint Inspectors for such brown Linen and Linen Yarn and Flax Markets within each of their said Counties as may appear to such Committees necessary for the better Regulation of such brown Linen, Linen Yarn, and Flax Markets within such Counties; and that it shall and may be lawful for such Committees at any Time to dismiss or discontinue such Inspectors, and to appoint others in their Places; provided that it shall not be lawful for such Committees to impose any Fine, Charge, or Impost whatsoever for the Remuneration or Emolument of such Inspectors.

Duty of Inspectors.

XXVI. And be it further enacted, That every such Inspector so appointed shall have full Power and Authority to inspect and examine all brown Linen, Linen Yarn, or Flax exposed for Sale in any public Market or Fair to which he shall have been appointed as aforesaid; and he is hereby authorized and required to seize any Linen, Yarn, or Flax so sold or exposed for Sale in public Fair or Market not conformable to the Regulations prescribed in this Act; and such Inspector shall forthwith carry such Linen, Yarn, or Flax before the next Justice of the Peace or other Chief Magistrate within their respective Jurisdictions to be dealt with according to Law; and in case a Justice of the Peace or other Magistrate cannot be forthwith found, then such Inspector may detain such Linen, Yarn, or Flax so seized, if necessary, for Forty-eight Hours, but no longer, to be dealt with as aforesaid; and such Inspector shall, as often as he may be called on by the Committee of the County for which he shall act, return a Diary or Journal of his Proceedings, and a true Account of all Linens, Yarns, and Flax by him seized or informed against, and also a true Account of the Fines imposed and levied or paid on such Linens, Yarns, or Flax, and also pay the Amount of the said Fines received by him to such Committee, when required so to do.

Persons embezzling, &c. Linen Yarn, &c. shall forfeit Three Times the Value of the same.

XXVII. And be it further enacted, That if any Person entrusted with any Linen Yarn, Hempen Yarn, Cotton Yarn, or any One or more of those Materials mixed with each other, or any Tools, Materials, or Apparatus for manufacturing the same, shall fraudulently sell, pawn, or embezzle such Linen Yarn, Hempen Yarn, Cotton Yarn, or each or any of them respectively, or such Tools, Materials, or Apparatus, every such Offender, and the Receiver of any such Article knowing the same to be or have been so fraudulently sold, pawned, or embezzled, shall forfeit Three Times the Value of the same.

Weavers to fulfil their Agreements on pain of forfeiting Value of Yarn.

XXVIII. And be it further enacted, That every Weaver shall well and sufficiently weave all sound and sufficient Linen Yarn and Cotton Yarn and Hempen Yarn to him delivered to be woven, within such Time, and in such Reeds, and into Cloth of such Breadths, as shall be agreed upon between the Owner or Owners of such Yarn and such Weaver, upon pain of forfeiting the full Value of such Yarn, or the full Price agreed upon for weaving the same.

XXIX. And

XXIX. And be it further enacted, That if any Person or Persons who shall be entrusted with any Linen or Linen Yarn or Hempen Yarn, or Materials or Tools or Apparatus for manufacturing the same, shall refuse or neglect to return such Yarn, Materials, Tools, or Apparatus within Fourteen Days after the same shall have been demanded by or in behalf of the Owner thereof, such Neglect or Refusal shall be deemed and taken as embezzling under this Act.

Neglect to return Yarn, &c. deemed as embezzling.

XXX. And be it further enacted, That in case any Manufacturer shall make Oath before a Justice of the Peace that he has entrusted any Linen Yarn, Hempen or Cotton Yarn, or the Materials, Tools, or Apparatus for manufacturing the same, to any Person or Persons, and that he has just Cause to suspect and does suspect that such Person is about to abscond with the same, then such Justice shall have Power and Authority, at his Discretion, to issue his Warrant requiring such Person or Persons to restore the Article or Thing entrusted to him or them, and in default thereof to apprehend such Person or Persons, and bring him or them before him, or some other Justice of the Peace for the same County; and unless such Person or Persons shall give Security for the Return of the Article or Thing so entrusted to him or them within a Time then mentioned, such Justice shall, by Warrant, order any Constable to enter the House of such Person or Persons, and give Possession of such Article or Thing to the Owner thereof, such Owner making such reasonable Compensation for any Labour expended therein or thereupon as to such Justice shall seem proper.

Manufacturers making Complaint on Oath, Justices may order Search, and restore Possession.

XXXI. And be it further enacted, That in all Cases where by the Provisions of this Act any Oath or Affidavit is authorized or required to be taken, the solemn Affirmation of any Person being a Quaker or Moravian shall be sufficient in the Place of such Oath or Affidavit; and every Person who shall knowingly swear or affirm any thing false in any such Oath or Affirmation shall be deemed and taken to be guilty of Perjury, and being lawfully convicted thereof, suffer such Punishment as Persons convicted of wilful and corrupt Perjury are by the Laws in force in *Ireland* subject to.

Affirmation of Quaker or Moravian to be taken in lieu of Oath.

Perjury.

XXXII. And be it further enacted, That all Complaints which shall be made of any Offence or Offences committed against any of the Regulations or Directions contained in this Act, the Penalty or Forfeiture in respect whereof shall not exceed in Amount or Value the Sum of Five Pounds, shall and may be heard by any One Justice of the Peace acting within his Jurisdiction, or by the Chief Magistrate of any Town presiding in his Court in such Town; and for that Purpose such Justice or Magistrate shall and may examine any Person or Persons upon Oath; and in default of the Payment of any such Penalty or Sum of Money as shall be awarded by any such Justice or Chief Magistrate by virtue of this Act upon the hearing of any such Complaint, it shall and may be lawful for such Justice or Chief Magistrate to levy the same, by Warrant of Distress under his Hand and Seal, on and off the Goods and Chattels of the Person liable to the Payment of such Penalty or Sum of Money, rendering the Overplus, if any, after Payment of the Costs and

Complaints where Penalty does not exceed 10l. may be heard before a Justice or a Chief Magistrate of a Town.

Expences

Expences of such Distress, to such Person; and in case no sufficient Distress shall be found, then to commit such Person to Gaol or to the House of Correction for any Period not exceeding One Calendar Month, unless such Penalty or Sum of Money shall be sooner paid.

Proceedings  
upon Complaint  
against Seal-  
master.

XXXIII. And be it further enacted, That in all Cases where any Sealmaster shall be complained against for having committed any Offence under this Act, if such Sealmaster shall reside more than Five Miles distant from the Place in which such Complaint shall be made, it shall be sufficient if the Summons issued against him to answer such Complaint be proved on Oath to be put into the Post Office of the Town in which such Complaint has been so made, and addressed to such Sealmaster by his Name, Residence, and Occupation; provided such Summons be so put in the Post Office of such Town aforesaid Four Days previous to the Day appointed for the hearing of such Complaint.

Offence to be  
tried where the  
Cloth is seized.

XXXIV. And be it further enacted, That if any Sealmaster of any One County shall commit any Offence punishable by this Act, and the Piece of Linen in respect whereof such Offence shall have been committed be sold or exposed for Sale and seized in another County, the Complaint made against such Sealmaster shall be heard before and determined by, and the Penalty levied under the Warrant of any Justice of the Peace of the County in which such Piece of Linen shall be sold, offered for Sale, or seized, as if the Default or Neglect of such Sealmaster in respect of such Piece of Linen had been committed in the County in which such Piece of Linen was seized.

Application of  
Penalties.

XXXV. And be it further enacted, That any Penalty which shall be awarded and levied by any Justice of the Peace or Chief Magistrate, in pursuance of the Provisions of this Act, shall and may be directed by such Justice or Chief Magistrate to be applied in manner following; (that is to say,) in every Case where the Person preferring the Complaint shall appear to have suffered any Damage, Costs, Loss of Time, or other Injury in the Matter being the Subject of Complaint, any such Penalty shall and may be paid to such Person; or if no Damages, Costs, Loss of Time, or other Injury shall appear to have been sustained by such Person, then such Penalty shall be paid to the Committee appointed in manner herein before directed in the County in which the Complaint originated, to be applied by such Committee towards forming a Fund for defraying any Expences in executing the Duties assigned to them by this Act; or it shall and may be lawful for such Justice or Chief Magistrate to direct any Portion of any such Penalty so levied to be paid to the Party aggrieved, and the remaining Portion of such Penalty to be paid to such Committee.

Penalties ex-  
ceeding 5l. &c.  
recoverable  
before Assistant  
Barrister.

XXXVI. And be it further enacted, That all Penalties and Forfeitures incurred under any Clause or Article in this Act, exceeding in Amount or Value Five Pounds, and not exceeding in Amount or Value Twenty Pounds, shall and may be sued for and recovered, by any Person who will sue for the same, by Civil Bill before the Assistant Barrister of the County in which the Penalty or Forfeiture shall have been incurred; and that all such Penalties and Forfeitures exceeding in Amount or Value

Exceeding 20l.  
by Action, &c.  
Superior

Twenty



Twenty Pounds shall and may be sued for and recovered, by any Person who will sue for the same, by Suit or Action at Law, or by Bill, Plaint, or Information in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer in *Ireland*, wherein no Essoign, Protection, nor Wager of Law, nor more than One Impar lance, shall be allowed; and that in all such Actions, Suits, or Prosecutions which shall be brought or prosecuted for Recovery of such Forfeitures or Penalties, the Venue shall be laid in the County or in the County of the City or the County of the Town wherein such Forfeitures or Penalties were incurred, and in none other.

Venue in County, &c. where Penalties incurred.

XXXVII. And be it further enacted, That if any Action or Suit shall be commenced or brought against any Person for doing or causing to be done any Act, Matter, or Thing in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence; and if upon such Action or in such Suit Judgment shall be given for the Defendant or Defendants, or the Plaintiff or Plaintiffs therein shall become Nonsuit, or discontinue his, her, or their Action or Suit, the Defendant or Defendants therein shall have Double Costs.

Defendant may plead the General Issue.

XXXVIII. And be it further enacted, That this Act shall commence and take effect from and after the End of this present Session of Parliament, and shall continue and be in force for Two Years, and from thence to the End of the then next Session of Parliament.

Commencement of Act.

### C A P. XXVIII.

An Act for removing Doubts as to the Declaration to be made and Oaths to be taken by Persons appointed to the Office of Sheriff of any City or Town being a County of itself. [21st August 1835.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification to certain Offices and Employments*, it is enacted that every Person who should thereafter be placed, elected, or chosen in or to the Office of Mayor, Alderman, Recorder, Bailiff, Town Clerk, or Common Councilman, or in or to any Office of Magistracy, or Place, Trust, or Employment relating to the Government of any City, Corporation, Borough, or Cinque Port within *England* and *Wales*, or the Town of *Berwick-upon-Tweed*, should, within One Calendar Month next before or upon his Admission into any of the aforesaid Offices or Trusts, make and subscribe the Declaration therein mentioned; and it is thereby further enacted, that if any Person placed, elected, or chosen into any of the aforesaid Offices or Places should omit or neglect to make and subscribe the said Declaration in manner therein mentioned, such placing, Election, or Choice should be void, and that it should not be lawful for such Person to do any Act in the Execution of the Office or Place into which

9 G. 4. c. 17.

No Person chosen a Sheriff, &c. liable to make the Declaration in recited Act.

Proviso.

‘ which he should be so chosen, elected, or placed : And whereas  
 ‘ Doubts have been entertained whether the aforesaid Provisions  
 ‘ may be held to extend to Persons elected or chosen to the  
 ‘ Office of Sheriff of any City or Town being a County of itself ;  
 ‘ and it is expedient that such Doubts should be removed :’ Be  
 it therefore enacted by the King’s most Excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That no Person who has  
 already been or who shall hereafter be elected or chosen to the  
 Office of Sheriff of any City or Town being a County of itself  
 shall by reason thereof be liable to make or subscribe the afore-  
 said Declaration within One Calendar Month next before or upon  
 his Admission to the said Office : Provided always, that every  
 Person so elected or chosen to the said Office of Sheriff shall  
 take, make, and subscribe, within the Time required by Law, all  
 Oaths and Declarations which Sheriffs of Counties are bound to  
 take, make, and subscribe.

### C A P. XXIX.

An Act for investing in Government Securities a Portion of  
 the Cash lying unemployed in the Bank of *England* be-  
 longing to Bankrupts 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 Subdivision  
 Courts.  
 [21st August 1835.]

1 & 2 W. 4. c. 56.

‘ **WHEREAS** by an Act passed in the First and Second Years  
 ‘ of the Reign of His present Majesty, intituled *An Act to*  
 ‘ *establish a Court in Bankruptcy*, it was enacted, that it should be  
 ‘ lawful for His Majesty, His Heirs and Successors, to establish  
 ‘ a Court of Judicature, which should be called “ The Court of  
 ‘ Bankruptcy,” and to appoint Judges, Commissioners, and other  
 ‘ Officers of the said Court ; and that it should be lawful for the  
 ‘ Lord Chancellor to choose Official Assignees to act in all Bank-  
 ‘ ruptcies prosecuted in the said Court, and to collect the Effects  
 ‘ of Bankrupts, and to pay the Proceeds thereof into the Bank of  
 ‘ *England* to the Credit of the Accountant General of the High  
 ‘ Court of Chancery, subject to the Order of the Lord High  
 ‘ Chancellor, or the said Court or any Judge thereof, as therein  
 ‘ mentioned ; and it was further enacted, that certain Fees and  
 ‘ Sums of Money specified in the said Act should be received by  
 ‘ the Lord Chancellor’s Secretary of Bankrupts, and paid by him  
 ‘ into the Bank of *England*, to the Credit of the said Accountant  
 ‘ General, to an Account to be intituled “ The Secretary of  
 ‘ Bankrupts Account,” and that there should be paid out of the  
 ‘ Monies standing to that Account certain yearly Sums specified  
 ‘ in the said Act as and for Salaries to the Judges and other  
 ‘ Officers of the said Court for the Time being ; and it was  
 ‘ further enacted by the said Act, that certain Annuities, the  
 ‘ Amount thereof to be ascertained and certified as in the said

Act is mentioned, should be respectively paid to the Patentee for the Execution of the Laws and Statutes concerning Bankrupts, to certain Persons then acting as Commissioners of Bankrupt in *London*, and to certain Officers of the Lord Chancellor and of the High Court of Chancery mentioned in the said Act, in lieu of and as Compensation for certain Fees and Emoluments accustomed to be received by them, and which would by the Provisions of the said Act be wholly discontinued and abolished, out of the Monies and Securities standing to an Account to be opened by the said Accountant General, to be intituled "The Secretary of Bankrupts Compensation Account;" and that certain Fees and Sums of Money specified by the said Act should be paid by the said Official Assignees into the Bank of *England* to the Credit of the said Accountant General, to be carried to the said Account respectively: And whereas His Majesty did, by virtue and in pursuance of the said Act, establish the said Court of Bankruptcy, and did appoint Judges and Commissioners and Registrars and Deputy Registrars of the said Court: And whereas Official Assignees have been chosen by the Lord Chancellor to act in Bankruptcies as aforesaid: And whereas the Amount of certain Annuities have been duly ascertained and certified, in pursuance of the said Act, to be due and payable to the Persons therein mentioned, in lieu of the Fees and Emoluments aforesaid: And whereas an Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Account," and another Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Compensation Account": And whereas the said Official Assignees have paid into the Bank of *England* in the Name of the said Accountant General divers large Sums of Money, which have been placed to the Credit of the several Bankrupts Estates: And whereas there now is and has been for a long Time a very large Sum of Money belonging to Bankrupts Estates, or to Suitors in Matters of Bankruptcy, standing in the Name of the said Accountant General, which lies dead and unemployed in the said Bank of *England*: And whereas it was necessary for the said Accountant General to appoint certain Persons to act as Clerks in the Performance and Execution of the Duties imposed upon him by the said Act; but no Provision is made by the said Act for the Salaries of the said Clerks and the other Expences necessarily incident to the Performance of the said Duties, other than out of certain Fees directed to be paid to the Chief Registrar of the said Court: And whereas the Business arising from the Duties imposed upon the said Accountant General by the said Act is gradually increasing, and the present Establishment of Clerks is likely to become inadequate to transact the same with that Accuracy and Despatch which is necessary for the Public Service: And whereas the Payment of the Fees authorized by the said Act, or a Part thereof, will become unnecessary, and the same may be discontinued if another Fund is provided for the Payments now made out of the said Fees by the Authority of the said Act: Be it therefore enacted by the King's most Excellent Majesty, by and

Part of the Money in the Bank belonging to Bankrupts Estates to be carried to an Account to be called "The Bankruptcy Fund Account."

Sum advanced to Credit of Bankrupts Compensation Account to be repaid by Order of Lord Chancellor.

Lord Chancellor to appoint Accountant in Bankruptcy.

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That out of the Cash belonging to the Estates of Bankrupts, or to Suitors in Matters of Bankruptcy, that now lies or shall hereafter lie dead and uninvested on Securities in the Bank of *England*, in the Name of the said Accountant General, or of the Accountant in Bankruptcy hereafter mentioned, any Sum or Sums not exceeding in the whole the Sum of Three hundred thousand Pounds shall and may, by virtue of any Order or Orders of the Lord High Chancellor to be made for that Purpose, from Time to Time be placed out in One entire Sum or in Parcels, in the Name of the said Accountant General or of the said Accountant in Bankruptcy, after the Appointment of the said last-mentioned Accountant, on such Government or Parliamentary Securities as in and by such Order or Orders shall be directed; and such Securities shall be carried to an Account to be intituled "The Bankruptcy Fund Account," subject to such Rules and Orders as the Lord High Chancellor shall think fit to prescribe for the Purposes herein mentioned.

II. ' And whereas the Monies and Securities standing to the Credit of the said Account, intituled "The Secretary of Bankrupts Compensation Account," were in the Month of *August* One thousand eight hundred and thirty-four found inadequate to meet the several Payments then due and payable thereout, and the Sum of Two thousand four hundred Pounds was, on Application to the Lords Commissioners of His Majesty's Treasury, then advanced and paid by them, through the Lord Chancellor's Secretary of Bankrupts, into the Bank of *England* to the Credit of the said Account, for the Purpose of enabling the several Payments then due to be paid and discharged to the Parties entitled thereto; but no Power or Authority exists under the Provisions of the said first-recited Act, or otherwise, for the Repayment of such Sum out of the Monies and Securities standing to the Credit of the said Account; be it therefore enacted, That it shall be lawful for the Lord High Chancellor to order that the said Sum of Two thousand four hundred Pounds so advanced and paid by the Lords Commissioners of His Majesty's Treasury to the Credit of the said Account, intituled "The Secretary of Bankrupts Compensation Account," shall be repaid out of the Monies and Securities which now are or hereafter may be standing to the Credit of such Account, and the same shall be repayable and repaid accordingly, and until so repaid be considered a Charge on such Account; any thing in the said first-recited or other Act or Acts contained to the contrary notwithstanding.

III. ' And whereas from the increased Amount of the Funds belonging to Bankrupts Estates, and the large Number of Accounts to which such Funds belong, and which are daily augmenting, it appears that such Funds and such Accounts cannot be properly protected and managed by the said Accountant General of the High Court of Chancery, and it is expedient therefore that an Officer experienced in and conversant with the Mode of keeping Accounts, to be called "The Accountant in Bankruptcy," shall be forthwith appointed to  
'superintend

‘superintend and control the Care and Management of the said Funds;’ be it therefore enacted, That it shall be lawful for the Lord High Chancellor for the Time being to nominate from Time to Time as Occasion may require some fit and proper Person to be the Accountant in Bankruptcy; which Officer so to be appointed shall hold his Office during good Behaviour, notwithstanding the Demise of His Majesty, or any of His Heirs or Successors: Provided always, that it shall be lawful for the Lord High Chancellor by any Order to remove any such Officer for some sufficient Reason to be in such Order expressed.

IV. And be it further enacted, That at any Time after the Appointment of the said Accountant in Bankruptcy it shall and may be lawful for the Lord High Chancellor, by any general or other Order or Orders, to direct that the Whole or any Part of the Cash, Funds, or Securities belonging to Bankrupts Estates or to Suitors in Matters of Bankruptcy, and then standing in the Name or to the Credit of the said Accountant General of the High Court of Chancery at the Bank of *England*, to the Credit of any Bankrupt’s Estate, or of any Assignee or Assignees of such Estate, or in the Matter of any Bankruptcy, be forthwith paid and transferred into the Name and to the Credit of the said Accountant in Bankruptcy; and all such Payments or Transfers as now are or heretofore have been made into the Bank in the Name or to the Credit of the Accountant General of the High Court of Chancery in Matters of Bankruptcy shall, from and after the Appointment of the said Accountant in Bankruptcy, be made in the Name or to Credit of the said Accountant in Bankruptcy; and all Cash, Funds, or Securities to be so paid or transferred as aforesaid shall be subject to such and the like Provisions, Regulations, Rules, and Orders as the same are or would have been subject to if paid or transferred in the Name or to the Credit of the said Accountant General of the Court of Chancery, except as the same may be altered by this Act, or any Rule or Order to be made by the Lord High Chancellor in respect of the same.

V. ‘And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *‘An Act to amend the Laws relating to Bankrupts*, it is amongst other Things enacted, that the Assignees shall file a Certificate in the Office of the Lord Chancellor’s Secretary of Bankrupts, containing an Account of the Names of Creditors to whom unclaimed Dividends are due, and of the Amount of such Dividends; and Power is thereby given for the Investment of such Dividends; and after the Expiration of Three Years the Lord Chancellor is empowered to order the same to be divided amongst and paid to the other Creditors in manner therein mentioned;’ be it enacted, That so much of the said Act as directs the filing of the said Certificate, and the Investment, Division, and Payment of such unclaimed Dividends, be and the same is hereby repealed.

VI. And be it further enacted, That all Dividends unclaimed as herein-after mentioned, and also any undivided Surplus of a Bankrupt’s Estate, over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be

Bankrupts Estates to be transferred into the Name of the Accountant in Bankruptcy.

So much of 6 G. 4. c. 16. as directs the filing of the Certificate, and the Investment, &c. of unclaimed Dividends, repealed.

Unclaimed Dividends to be paid into the Bank to the Credit of Ac-

countant General, or, when appointed, to the Accountant in Bankruptcy.

paid into the Bank of *England* to the Credit of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned Officer shall have been appointed, to be carried to an Account to be intituled "The Unclaimed Dividend Account," subject to the Order of the Lord High Chancellor, or of the Court of Review in Bankruptcy, or of any Commissioner of the said Court, for the Payment thereof of any Dividend or Dividends due to any Creditor or Creditors, and subject also to the Order of the Lord Chancellor for the laying out and Investment thereof in the Purchase of Government or Parliamentary Securities, which Securities shall be carried to the before-mentioned Account to be intituled "The Bankruptcy Fund Account," and shall be subject to such Rules and Regulations as the said Lord Chancellor shall direct: Provided always, that any Order of any Commissioner for Payment of any Dividend, under the Provisions aforesaid, shall be subject to Appeal to the said Court of Review.

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

VII. And be it further enacted, That if any Assignee under any Commission of Bankrupt or Fiat in Bankruptcy now issued or hereafter to be issued shall have, either in his own Hands, or at any Bankers, or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends amounting in the whole to the Sum of Twenty Pounds, or any such undivided Surplus as aforesaid amounting to the Sum of Twenty Pounds, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends, within One Year after the passing of this Act, and as to any future Dividend or Dividends within Three Calendar Months next after the Expiration of One Year from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due, and of the Amount of such Dividend or Dividends respectively; and shall in like Manner, as to any such now existing undivided Surplus as aforesaid, within One Year after the passing of this Act, and as to any such future undivided Surplus as aforesaid within Three Calendar Months next after the Expiration of One Year after the final Declaration of Dividends, cause a Certificate stating the full and true Amount of such Surplus to be filed in the Office of the said Secretary of Bankrupts; and every Certificate to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee who shall, according to the Provisions of this Act, be bound to file such Certificate as aforesaid, and who shall make default in filing the same, shall be charged, in Account with the Estate of the Bankrupt, with Interest upon the Amount of such unclaimed Dividend or Dividends or undivided Surplus as aforesaid, to be computed from the Time at which such Certificate is hereby required to be filed,

filed, at the Rate of Five Pounds *per Centum per Annum*, for such Time as he shall thenceforth, either solely or together with any Co-assignee or Co-assignees, or other Person or Persons, retain such Dividend or Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Lord Chancellor or the Court of Review shall direct, not exceeding in the whole at the Rate of Twenty Pounds *per Centum per Annum*, to be computed from the Time aforesaid; and every Assignee shall, within One Year next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of *England* to the Name of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned Officer shall have been appointed, to be carried to the said Account to be intituled "The Unclaimed Dividend Account," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors, or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and if any Assignee shall make default in such Payment it shall be lawful for the Lord Chancellor or the said Court of Review, on Petition or otherwise, to order that such Sum or Sums be forthwith paid into the Bank of *England* in manner aforesaid, together with such further Sum to be charged on such Assignee or Assignees, or other Party or Parties personally, as to the said Lord Chancellor or to the said Court may seem fit, not exceeding at and after the Rate of Twenty Pounds *per Centum per Annum* on the Sum or Sums so withheld, to be computed from the filing of such Certificate up to the Time of Payment of such Sum or Sums, and also to make such further Order as to Costs as the Justice of the Case shall seem to require: Provided always, that no such Certificate as aforesaid of any unclaimed Dividend or Dividends shall be filed until the Expiration of One Year after the Declaration and Order for Payment of such Dividend or Dividends.

VIII. And be it further enacted, That the said Accountant General in Chancery or the said Accountant in Bankruptcy, as the Case may be, shall, on the Application of any Assignee or Assignees, give to him or them a Certificate or Certificates stating the Amount of any Sum or Sums of Money which he or they may be desirous of paying into the Bank of *England* under the Provisions aforesaid; and on the Production of such last-mentioned Certificate or Certificates the Governor and Company of the Bank of *England* shall receive the Sum or Sums therein mentioned, and give a Receipt or Receipts for the same, and shall forthwith carry the same to the Credit of the said Accountant General or the Accountant in Bankruptcy, as the Case may be, to the said Account intituled "The Unclaimed Dividend Account;" and every such Certificate and Receipt shall be given without Fee or Reward.

IX. And be it further enacted, That the Interest and Dividends of all the Securities to be purchased under the Authority of this Act shall from Time to Time be received by the Governor and Company of the Bank of *England*, and be carried to an Account to be intituled "Interest arising from the Bankruptcy Fund

Certificates to be given to Assignees, on Production of which Bank of England shall receive the Sums therein mentioned, and give Receipts.

Interest to be received by the Governor and Company of the Bank.

Account," to the Credit of the Accountant General in Chancery or the Accountant in Bankruptcy, as the Circumstances may require.

Salaries and other Expences to be paid out of the same by Direction of the Lord Chancellor.

X. And be it further enacted, That out of the Interest and Dividends of the Government or Parliamentary Securities to be purchased under the Authority of this Act, and out of the Interest and Dividends of any Government or Parliamentary Securities to be hereafter purchased and placed to the said Account to be intituled "The Bankruptcy Fund Account," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made for that Purpose, to the said Accountant in Bankruptcy, such Salary or yearly Sum as the Lord High Chancellor may by any Order or Orders direct, not exceeding the yearly Sum of Eight hundred Pounds, and also to the Clerks of the said Accountant in Bankruptcy such Sums by way of Salary as the Lord Chancellor shall by Order direct, and also any further Sum to the said Accountant in Bankruptcy which may be necessary or expedient to defray the Expences of Stationery, and other necessary Expences of the said Accountant, if any, to be by him incurred in discharge of the Duties imposed upon him by this Act; such several Salaries or yearly Sums before mentioned to be paid quarterly, free of Charges; the first quarterly Payment to the Accountant in Bankruptcy for the Time being to commence from the Day of his Appointment, and as to the said Clerks to commence from the Eleventh Day of *January* One thousand eight hundred and thirty-five, or from such other Day as may in any such Order be specified: Provided always, that nothing herein-before contained shall authorize the Lord Chancellor to order the Payment in any One Year of any Sum exceeding the Sum of One thousand Pounds for the Payment of the Salaries of the said Clerks, and the Discharge of such Expences of Stationery and other incidental Expences as aforesaid.

Lord Chancellor may appoint additional Clerks.

XI. And be it further enacted, That it shall and may be lawful to and for the Lord High Chancellor, upon the Requisition of the said Accountant in Bankruptcy for that Purpose, to appoint One or more, not exceeding Five, Persons to be Clerks to the said Accountant, and to order such yearly Salaries as aforesaid to be paid to them.

Accountant not to retain Fees.

XII. And be it 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.

Retiring Allowance to Charles Elley.

XIII. And whereas *Charles Elley*, the Chief Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts, is now of the Age of Seventy Years and upwards, and has been upwards of Fifty Years in the above Office, and from Rheumatism



' matism and other bodily Infirmities is become incapable of giving full Attendance so as effectually to discharge the Duties of the said Office, and the Emoluments of his said Office were very much reduced by the Operation of the said first-recited Act, and the said *Charles Elley* is desirous to be allowed to retire from the said Office by reason of such Infirmities; be it therefore enacted, That it shall and may be lawful for the Lord High Chancellor, upon the Retirement or Removal from his said Office of the said *Charles Elley*, to order and direct that there shall be paid to him during his Life such annual Sum not exceeding Four hundred Pounds *per Annum* as to the said Lord Chancellor shall seem fit, such annual Sum to commence on the Retirement or Removal of the said *Charles Elley* as aforesaid, and be payable at such Time or Times as the said Lord Chancellor shall direct; which said annual Sum shall be chargeable upon and payable out of the said Account intituled "The Secretary of Bankrupts Compensation Account."

XIV. And be it further enacted, That it shall be lawful for the said Lord High Chancellor, by any Order or Orders to be by him from Time to Time made for that Purpose, to order and direct that all or any Part of the Interest and Dividends to be carried to the said Account to be intituled "Interest arising from the Bankruptcy Fund Account" may be carried over to the said Accounts respectively intituled "The Secretary of Bankrupts Account" and "The Secretary of Bankrupts Compensation Account," or either of them, and that the same may be applied in Payment or in part Satisfaction of the annual and other Sums now or hereafter to be chargeable upon and made payable out of the Sums directed to be carried to the said last-mentioned Accounts or either of them, and also to direct that the Salaries and other Sums by the said first-recited Act directed to be chargeable upon or payable out of the Fees by the said Act directed to be paid to the Chief Registrar of the Court of Bankruptcy may be paid out of the said Interest and Dividends, as the said Lord High Chancellor shall in his Discretion see fit, so that the Salaries and other Expences of the said Court being provided for out of the Interest and Dividends to be raised as aforesaid, the Fees and other Sums by the said Act directed to be paid may be abolished or reduced as the said Lord High Chancellor may find himself from Time to Time enabled to abolish or reduce the same.

XV. And be it further enacted, That it shall and may be lawful to and for the said Lord High Chancellor, by any Order or Orders, to direct that all and every or any of the Salaries by this Act, or the Annuities by way of Compensation by the said first-recited Act, made payable, or any Part of any such Salary or Annuity, shall and may be paid respectively on such Days and by such yearly or other Payments as in the said Order or Orders shall be specified; and in case of the Death, Resignation, or Removal of any of the Officers or Persons entitled to Salaries or Annuities as aforesaid, by the same or other Order or Orders to direct that the Proportion of any Salary or Annuity payable as aforesaid which may become due to any Officer or Person as aforesaid between the Time to which any such Salary or Annuity may have been then last paid or payable and the Time of any

Lord Chancellor may direct Interest from Securities to be carried to the Secretary of Bankrupts Account.

Salaries to be paid on such Days as the Chancellor shall direct.

such Death, Resignation, or Removal, shall be paid to the said Officer or other Person so resigning or being removed, his Executors, Administrators, or Assigns, or to the Executors or Administrators of any Officer or other such Person so dying.

If the Fund is not sufficient at any Time, then the Securities to be sold.

XVI. And be it further enacted, That if at any Time hereafter the Whole or any Part of the Money placed out in pursuance of this Act shall be wanted to answer any of the Demands due in respect of the said Bankrupts Estates, then and in such Case the said Lord High Chancellor may and shall direct the Whole or any Part of the Securities in which the same may be placed to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of *England* in the Name of the said Accountant General in Chancery or the Accountant in Bankruptcy, in such Manner as the said Lord Chancellor shall direct, in order that the Demands due in respect of the said Bankrupts Estates may at all Times be fully paid out of the common and general Cash belonging to such Estates.

Securities may be changed.

XVII. And be it further enacted, That it shall be lawful for the Lord High Chancellor, by any Order or Orders, to authorize the Change of the Securities to be purchased pursuant to this Act, or any Part of the same.

Cash in the Bank belonging to Bankrupts Estates to be one common and general Cash.

XVIII. And to the end that no Suitor or Suitors of the said Court of Bankruptcy may be delayed in payment of any Money due to him, her, or them, but that every one may receive his or her full Demand whensoever he or she shall apply for the same, in the most easy and expeditious Way; be it enacted, That all the Money and Cash now deposited in the Bank, or that shall at any Time hereafter be paid into or deposited in the Bank, on the Account of Bankrupts Estates or in any Matter of Bankruptcy, shall be and be accounted and taken to be one common and general Cash, and shall be promiscuously issued and issuable for the answering, paying, and clearing the Debts and Demands thereon.

Expences of Proceedings to be paid out of the Fund.

XIX. And be it further enacted, That out of the Interest and Dividends of the said Government or Parliamentary Securities to be purchased as aforesaid the Costs, Charges, and Expences of all Proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of *England* by virtue of any Order of the said Lord High Chancellor.

If Money not sufficient for the Purposes of this Act, the same to be made good by Parliament.

XX. Provided always, and be it further enacted, That if at any Time hereafter the Whole or any Part of the Money to be laid out in pursuance of this Act shall be wanted to answer the Demand of any Bankrupts or their Creditors or other Persons interested therein, and the Stocks, Funds, and Cash then standing in the Name of the said Accountant General in Chancery or the Accountant in Bankruptcy to the several Accounts before mentioned and created by this Act, or either of them, shall not be sufficient to answer and satisfy the said Demands, then the same Money taken for the Purposes and by virtue of this Act shall be and shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

Court in future to consist of One Chief

XXI. And whereas by the firstly herein-before recited Act it is enacted that there shall be a Chief Judge and Three other Judges

‘ Judges of the said Court of Bankruptcy, and that there shall be Two Registrars and Eight Deputy Registrars of the said Court : And whereas a Vacancy having occurred by the Death of One of such Judges, such Vacancy has not been supplied, and it appears that the Duties of the said Court may be effectually performed by the Chief Judge and Two other Judges ;’ be it therefore enacted, That hereafter there shall be only Two Judges of the said Court other than the Chief Judge ; and it also appearing that upon the Appointment hereby authorized being made of an Accountant in Bankruptcy, Part of the Duties now performed by the Chief Registrar of the said Court may be discharged by such Accountant, so that the Duties now performed by the Two Registrars and the Two Deputy Registrars not attached to the Commissioners of the said Court may be discharged by Two Registrars and One Deputy Registrar ; be it therefore enacted That as and when any Vacancy may occur by the Death, Removal, or Retirement of any one of the said Registrars, such Vacancy shall be supplied by the Deputy Registrar acting under the Registrar by whose Death, Removal, or Retirement such Vacancy shall occur ; and that when any Vacancy shall occur by the Death, Removal, or Retirement of either of the said Two last-mentioned Deputy Registrars, such Vacancy shall not be supplied so as to provide altogether for more than Two such Registrars and One such Deputy Registrar, other than the Six Deputy Registrars attached to the Commissioners aforesaid ; and it shall be lawful for the Court of Review, when and as any such Vacancy shall occur, to make such general Orders as to the Duties to be performed by such Registrars and Deputy Registrar as they shall think fit.

XXII. And be it enacted, That within Two Months from the First Day of *January* in every Year Returns shall be presented to Parliament if then sitting, and if not, then within One Month after Parliament shall have assembled, by the said Accountant General of the Court of Chancery or the Accountant in Bankruptcy (as the Case may be), of the net Amounts at the Credit of the said Accountant on the said First Day of *January* on each of the following distinct Accounts, which Returns shall respectively specify the Amount transferred and paid out as Dividends, and the Amount paid by Orders of Court or of the Judges, and shall also show the unappropriated Balance then existing on each Account ; *videlicet*, First, The Bankruptcy Fund Account ; Second, The Interest arising from the Bankruptcy Fund Account ; Third, The Unclaimed Dividend Account ; Fourth, The Secretary of Bankrupts Account ; Fifth, The Secretary of Bankrupts Compensation Account ; the Fourth and Fifth of such Accounts to have Appendixes attached to them, detailing all Payments made from such Accounts, and to whom made, and whether as Salaries, Compensations, or other Allowances.

XXIII. ‘ And whereas by the said first-recited Act it is enacted, that the Six Commissioners therein mentioned may be formed into Two Subdivision Courts, consisting of Three Commissioners for each Court for the Purposes therein mentioned ; and that all References and Adjournments by a single Commissioner to a Subdivision Court by virtue of the said Act shall be to the Subdivision

Judge and Two Judges.

In the Event of Death or Removal of a Registrar, Vacancy to be supplied by Deputy Registrar acting under him.

Annual Returns to Parliament.

Mode of forming Subdivision Courts in case of Nonattendance of any Commissioners of the Division

to which Cause  
is referred.

Subdivision Court to which he belongs, unless the said Commissioner, in case of the Sickness of some One or more of the Commissioners of such Subdivision Court, or for other sufficient Cause, shall think fit otherwise to direct; be it enacted, That in case of the Nonattendance of any One or more of the Commissioners of either of the said Subdivision Courts, to be duly summoned for that Purpose, the Reference shall not be of Necessity to the other Subdivision Court, but it shall and may be lawful for the remaining Commissioner or Commissioners of such Subdivision Court to call in and require the Attendance of either or any of the Commissioners of the other of the said Subdivision Courts, and that such Commissioners may form a Subdivision Court for the Purposes of the said recited Act as fully and effectually as either of the Two Subdivision Courts so now authorized to be formed as aforesaid.

Power given to  
Courts to ad-  
minister Oaths  
on Affidavits.

XXIV. And be it enacted, That the said Court of Review and either of the said Subdivision Courts, and also any Judge or Commissioner of the Court of Bankruptcy, shall have Power to administer Oaths on Affidavits to be sworn before them respectively in Matters of Bankruptcy in all Cases where the same may be administered by a Master in Ordinary or Extraordinary of the High Court of Chancery, and to take for every such Oath, except where such Oath shall be administered to an Affidavit entitled in the Court of Bankruptcy or in the Court of Review, the Fee of One Shilling and Sixpence, which said Fee shall be payable and paid accordingly; and that all such Fees shall be accounted for and paid over to the Chief Registrar of the said Court of Bankruptcy, and be carried to the Account of the Second Schedule of Fees annexed to the said first-recited Act, and be applied to the Purposes of the said Schedule.

Fees.

XXV. And whereas Doubts have been entertained whether, by the Terms of the said first-recited Act, the said Court of Review and Subdivision Courts have been effectually made Courts of Record; and whether the said Courts have upon an Examination before them the same Powers of Commitment for the Purpose of enforcing Discovery as were vested in Commissioners of Bankrupt under the Acts of Parliament relating to Bankrupts in force at the Time of the passing of the said first-recited Act; and it is expedient that such Doubts be removed, and that such Powers as are herein-after mentioned should be given to the several Judges and Commissioners acting under the Authority of the said first-recited Act; be it enacted, and it is hereby declared, That the said Court of Review and the said several Subdivision Courts respectively shall henceforth be, and shall be deemed and taken from and after the passing of the said first-recited Act to have been, Courts of Record, and shall and may have and exercise all such Powers of Commitment as were vested in Commissioners of Bankrupt acting as such at the Time of the passing of the said first-recited Act, and shall and may have, use, and exercise all the Powers, Rights, Privileges; and Incidents of a Court of Record, as fully to all Intents and Purposes as the same are used, exercised, and enjoyed by any of His Majesty's Courts of Law at *Westminster*; and all Orders heretofore pronounced and all Acts done by the said Court of  
Review

Court of Review  
and Subdivision  
Courts declared  
to have been  
Courts of  
Record from  
the passing of  
1 & 2 W. 4. c. 56.

Review and Subdivision Courts respectively shall be deemed and taken to have been pronounced and done by the said Courts respectively as Courts of Record; and every Judge or Commissioner appointed or to be appointed by virtue of the said first-recited Act sitting alone and acting in execution of the Duties imposed upon him as such Judge or Commissioner shall have, use, exercise, and enjoy all the Powers, Rights, Privileges, and Exemptions of a Court of Record: Provided always, that nothing herein contained shall be deemed or taken to authorize or empower any such Judge or Commissioner sitting alone to impose any Fine or commit for a Contempt of Court, but every Contempt of any such Judge or Commissioner sitting alone and acting as aforesaid shall be cognizable by the said Court of Review, to which the same may be referred by any such Judge or Commissioner as aforesaid; and the said Court of Review shall have full Power to deal with the same as a Contempt of the said Court of Review: Provided also, that nothing herein contained shall be deemed or taken to diminish or affect the Power by the said first-recited Act given to any such Judge or Commissioner of committing any Person examined before him to any Messenger or other Officer of the Court of Bankruptcy.

XXVI. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the Time being.

How Powers  
of the Act to be  
exercised.

XXVII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this Session.

Act may be  
altered, &c.

XXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

### C A P. XXX.

An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in *England and Wales*. [21st August 1835.]

‘ WHEREAS His Majesty was pleased, on the Fourth Day  
‘ of *February* last, to issue a Commission to certain Per-  
‘ sons therein named for considering the State of the Established  
‘ Church in *England and Wales* with reference to Ecclesiastical  
‘ Duties and Revenues, which Commission has since been re-  
‘ newed, and such renewed Commission is now in force, and the  
‘ Inquiries thereby directed are now in progress, and some Time  
‘ must elapse before the same can be brought to a Termination:  
‘ And whereas His Majesty has been graciously pleased to sig-  
‘ nify, that, in order to promote the important Objects of the  
‘ said Commission, it is His Majesty’s Intention to defer any  
‘ Nomination to any vacant Dignity, Prebend, Canonry, or Bene-  
‘ fice

' fice without Cure of Souls which may be in the Patronage of  
 ' the Crown until the Circumstances connected therewith shall  
 ' have undergone the Consideration of the said Commissioners;  
 ' and the Two Archbishops, and divers of the Bishops of *England*  
 ' and *Wales*, have declared their Intention of pursuing the same  
 ' Course with regard to similar Preferments in their respective  
 ' Patronage (excepting only the Dignity of Archdeacon), and a  
 ' similar Declaration has been made by certain other Patrons:  
 ' And whereas several Dignities, Prebends, Canonries, and Bene-  
 ' fices without Cure of Souls have become vacant since the said  
 ' Fourth Day of *February* last, and others may become vacant  
 ' pending the said Inquiries now in progress; and it is expe-  
 ' dient that the same should remain vacant until it shall be  
 ' decided in what Mode they can be disposed of so as to be made  
 ' most conducive to the Efficiency of the Established Church;  
 ' and with that view it is necessary to provide that due Care be  
 ' taken of the Revenues of such Dignities, Prebends, Canonries,  
 ' and Benefices, and that the Right of Presentation or Collation  
 ' thereto shall not lapse by reason of Delay in such Presentation  
 ' or Collation: Be it therefore enacted by the King's most Ex-  
 ' cellent Majesty, by and with the Advice and Consent of the  
 ' Lords Spiritual and Temporal, and Commons, in this present  
 ' Parliament assembled, and by the Authority of the same, That  
 ' where any Dignity, Prebend, Canonry, or Benefice without Cure  
 ' of Souls, being in the Patronage of His Majesty, or of any  
 ' Archbishop, Bishop, or other Patron in *England* or *Wales*, has  
 ' become vacant since the said Fourth Day of *February* last, or  
 ' shall become vacant during the Existence of the said Commis-  
 ' sion now in force, or of any Renewal thereof, all Profits and  
 ' Emoluments which have arisen or accrued, and which shall arise  
 ' and accrue, from every such vacant Dignity, Prebend, Canonry,  
 ' or Benefice, until a Successor shall have been appointed thereto,  
 ' whether from Houses, Lands, Tithes, or Hereditaments to the  
 ' same belonging, or from Rents, Fines, Compositions, Dividends,  
 ' or other Emoluments belonging to any Chapter or other aggre-  
 ' gate Body of which the Dignitary, Prebendary, Canon, or Incum-  
 ' bent last in Possession was a Member, shall be paid to the Treas-  
 ' urer for the Time being of the Governors of the Bounty of Queen  
 ' *Anne*, in as full and ample Manner as such Dignitary, Prebendary,  
 ' Canon, or Incumbent, if he had remained in Possession, or his  
 ' Successor, if duly appointed, inducted, or installed, would be  
 ' entitled to receive the same; and such Treasurer shall, for the  
 ' Purpose of enforcing Payment of all such Profits and Emoluments,  
 ' have and enjoy all legal Rights, Powers, and Remedies, whether  
 ' by Action, Suit, or Distress, as the Case may be, which would  
 ' belong to such Successor: Provided always, that such Treasurer  
 ' shall not have the Power of granting any Lease, or of presenting  
 ' to any Benefice with Cure of Souls: Provided also, that such  
 ' Treasurer shall not be answerable or accountable for any Monies  
 ' payable by virtue of this Act which shall not have been actually  
 ' received by him.

Profits of Dignities or Benefices without Cure of Souls becoming vacant during the Existence of the Ecclesiastical Commission to be paid to the Treasurer of Queen Anne's Bounty.

Treasurer to keep an Account of the

II. And be it further enacted, That such Treasurer shall keep an Account of all Sums received by him under this Act separate from all other Funds in his Hands, and distinguishing each Dignity

Dignity or Benefice in respect whereof the same shall be received, and shall allow all Costs, Expences, and Outgoings which would have fallen on the deceased Incumbent, or may be reasonably incurred in the Receipt of or enforcing the Payment of the Sums received, the Amount thereof being allowed by the Governors of the said Bounty for the Time being, and shall retain the Balance in his Hands until he shall be otherwise ordered by competent Authority.

Receipts, and  
allow Expences.

III. Provided always, and be it enacted, That nothing in this Act contained shall apply to or affect any Profits or Emoluments of any Dignity, Prebend, Canonry, or Benefice now vacant, which shall have been already divided or carried to any particular Account, according to the Statutes, Customs, or Usages of the Cathedral or Collegiate Church in which such Dignity may be founded.

Excepting  
Profits already  
appropriated.

IV. Provided also, and be it enacted, That nothing in this Act contained shall prevent His Majesty, or any Archbishop, Bishop, or other Patron of any Dignity, Prebend, Canonry, or Benefice without Cure of Souls, which may have or hereafter shall become vacant, from appointing a Successor thereto in case he shall think proper to do so.

Not to prevent  
Patrons from  
appointing.

V. And be it further enacted, That where any Benefice with Cure of Souls, being in the Patronage of the Holder or Incumbent of any such Dignity, Prebend, Canonry, or Benefice as aforesaid without Cure of Souls, shall have become or shall become vacant during the Vacancy of such last-mentioned Dignity, Prebend, Canonry, or Benefice, the Patron of such last-mentioned Dignity, Prebend, Canonry, or Benefice shall be entitled to present to such Benefice with Cure of Souls.

Providing for  
the Presenta-  
tion to Bene-  
fices.

VI. And be it further enacted, That the Right of Presentation or Collation to any Dignity, Prebend, Canonry, or Benefice without Cure of Souls so become or becoming vacant as aforesaid shall not, by reason of any Delay in presenting or collating thereto, lapse to any Bishop or Archbishop, or to the King's Majesty; any Law or Custom to the contrary notwithstanding: Provided always, that the Patron of such vacant Dignity, Prebend, Canonry, or Benefice shall within Six Months after the Vacancy give Notice thereof in Writing to the Commissioners herein-before mentioned, who shall transmit a Copy of such Notice to the said Treasurer; and the said Treasurer shall, upon Receipt thereof, forthwith proceed to demand, collect, and receive, and shall, during the Time that such Dignity or Benefice shall remain liable to the Provisions of this Act, continue from Time to Time to demand, collect, and receive the Profits and Emoluments as they shall respectively become due and payable, and shall diligently use and exercise all the Powers and Authorities hereby to him given for duly and regularly enforcing the Payment thereof.

Right of Pre-  
sentation to  
vacant Dignity  
or Benefice not  
to lapse.

Treasurer of  
Queen Anne's.  
Bounty to col-  
lect the Profits  
of the vacant  
Benefice, &c.

## C A P. XXXI.

An Act to give Effect and Validity to certain Contracts and Presentments for repairing and keeping in repair certain Public Roads in *Ireland* and the Sureties entered into for the Execution thereof. [21st August 1835.]

WHEREAS at certain Special Sessions held in the County of *Kildare* and in other Counties in *Ireland* previous to the last Spring Assizes, in pursuance of the Provisions of an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*, certain Applications for Presentments for the Repairs of and for keeping in repair certain Public Roads in these Counties respectively were made, and such Applications having been approved of, certain Contracts for executing such Works were entered into, and Security for the Performance thereof given: And whereas such Applications and Contracts were afterwards submitted to the Grand Juries of such Counties respectively, and allowed and approved of by them, and certain Presentments were thereupon made by such Grand Juries, for raising off the said Counties respectively the Sums under such Contracts payable to the Persons therein named for executing the Public Works therein mentioned; and such Sums, or some Parts thereof, have by virtue of such Presentments been levied by the several Collectors of Grand Jury Cess in such Counties, and considerable Portions of such Works have been executed by the Persons named in such Contracts: And whereas Doubts have been entertained whether such Contracts and Presentments have been made in strict Conformity with the Provisions of the said in part recited Act; and as Part of the Public Works therein mentioned has been done, and Part of the Money thereby presented has been raised, and cannot be now repaid, and as there is no other Fund save the Money so presented out of which the Persons who executed such Public Works can be paid, it is expedient to give Validity to such Contracts and Presentments: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Contracts for the Repairs of Public Roads in *Ireland*, or keeping them in repair, entered into at any Special Sessions held before the last Spring Assizes in any County in *Ireland*, and all Applications for Presentments for such Works made at such Sessions, and all Presentments founded thereon made by any Grand Jury at any Assizes held before the passing of this Act, shall be and the same are hereby declared to be valid and effectual in Law; (that is to say,) such Contracts shall be valid and effectual as Contracts for One Year, and such Presentments as Presentments for levying the Sums necessary for paying the Sums by such Contracts payable for such Year; and that so much of the several Sums by such Presentments directed to be levied as has not been already levied and raised shall be levied and raised in the same Manner and with

8 & 4 W. 4. c. 78.

The several Contracts for the Repairs of Public Roads in *Ireland*, and all Presentments relating thereto, entered into before the passing of this Act, to be valid and effectual in Law.



with the like Powers as any Sum legally presented by a Grand Jury in *Ireland* may be levied or raised; and that the Sum so to be levied, and any Sum heretofore levied or raised under such Presentments, shall be applied as the same would be if such several Presentments had been made legally and in conformity with the Provisions of such in part recited Act; and that the several Persons who would be entitled to be paid the Sums so presented if such Presentments and Contracts had been legally made, shall and may apply for Payment out of the Sums levied or to be levied under such Presentments in the same Manner as any Contractors would be entitled to apply for Payment of any Sum contracted to be paid under the Provisions of the said Act for doing any Public Works; and such Application shall be allowed or rejected and be in all respects treated as any Application under the said Act for Payment of any Sum contracted to be paid and presented under the said Act, and the Decision thereon shall be liable to be traversed as any Decision or any Application under the said Act; and the Money which shall be payable under such Contract, or such Part thereof as shall, upon such Application, be payable, shall be paid in the same Manner as any Money presented and payable under the said Act would be paid.

II. And be it further enacted, That all Securities given for the due Performance of any such Contracts shall be and the same are hereby declared to be valid Securities, and binding on the several Persons who entered into the same, as fully and effectually, to all Intents and Purposes, as if they were entered into under the Provisions of the said Act as Securities for the due Performance of any Public Work.

Securities for such Contracts declared to be valid.

### C A P. XXXII.

An Act to impose certain Duties on Tea.

[21st August 1835.]

‘ **W**HEREAS an Act was passed in the Third and Fourth Year of the Reign of His present Majesty, intituled *An Act to provide for the Collection and Management of the Duties on Tea*: And whereas it is found expedient to alter the Rates of Duty thereby imposed; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and thirty-six the several Duties on Tea imposed by the said recited Act shall cease and determine, save and except as to any Arrears of such Duties which may then be due and payable and unpaid; and in lieu and instead thereof there shall be charged a Duty of Two Shillings and One Penny on every Pound Weight of Tea which after the said Day shall be imported, or which, having been previously imported, shall after that Day be entered for Home Consumption in the United Kingdom; which said Duty shall be raised, levied, collected, and paid under the

3 & 4 W. 4.  
c. 101.

After 1st July 1836 the present Duties on Tea to cease, and a Duty of 2s. 1d. per Pound to be charged in lieu thereof.

the like Rules and Regulations, so far as the same may be applicable, and shall be appropriated and applied in such and the like Manner, as the Duties on Tea imposed by the said recited Act.

C A P. XXXIII.

An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King *William* and Queen *Mary*, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King *George* the Fourth as to taking Bail in Cases of Felony. [21st August 1835.]

‘ WHEREAS it is expedient to prevent Prosecutors of Indictments and Presentments from vexatiously removing the same out of inferior Courts into His Majesty's Court of King's Bench: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Writ of Certiorari shall issue from the Court of King's Bench at *Westminster* for removing into that Court any Indictment or Presentment from any Court of Session, Assize, Oyer and Terminer, or Gaol Delivery, or any other Court, at the Instance of the Prosecutor or any other Person (except His Majesty's Attorney General), without Motion first made in the Court of King's Bench, or before some Judge of that Court, and Leave obtained to remove such Indictment or Presentment, in the same Manner as similar Motions may now be made and Leave given where such Application is made on the Part of Defendants; any Law, Practice, or Usage to the contrary in anywise notwithstanding.

No Certiorari shall issue to remove Indictments, &c. from inferior Courts to the Court of King's Bench, at the Instance of a Prosecutor, without Leave from that Court.

Defendants to enter into certain Recognizances before obtaining Writ of Certiorari to remove Indictment, &c. 5 & 6 W. & M. c. 11.

II. ‘ And whereas it is expedient to extend the Powers of an Act passed in the Fifth Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace*; be it therefore enacted, That instead of the Recognizance now by Law required to be entered into before the Allowance of a Writ of Certiorari, every Person indicted or presented in any Court of Session, Assize, Oyer and Terminer, Gaol Delivery or any other Court, who shall obtain a Writ of Certiorari for removing any Indictment or Presentment whatever into the Court of King's Bench, not being in Custody for Want of Bail to answer such Indictment or Presentment, shall, before the Allowance of such Writ, enter into a Recognizance before One of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the County or Place in which the Offence is charged to have been committed, or in which such Person shall reside, in such Sum and with such Sureties as the said Court of King's Bench, or One of His Majesty's Justices of the said Court, shall by Indorsement on the said

said Writ order and direct; which Recognizance shall contain the same Conditions as are now by the said Act, and another Act passed in the Eighth and Ninth Year of the Reign of King William the Third, intituled *An Act to make perpetual and more effectual an Act, intituled 'An Act to prevent Delays at the Quarter Sessions of the Peace,'* required in Cases of Indictments removed from the General or Quarter Sessions of the Peace; and thereupon all the Clauses and Provisions contained in the said several Acts with respect to Costs or otherwise shall extend to such last-mentioned Recognizances; and every Person being in Custody for Want of Bail to answer the Charge contained in such Indictment or Presentment shall be detained in Custody until the like Recognizances as are herein-before directed to be entered into (previous to the Allowance of such Writ of Certiorari) shall have been entered into, or until such Person be discharged by due Course of Law.

8 &amp; 9 W. 3. c. 33.

III. 'Whereas in many Cases the taking Bail for the Appearance of Persons charged with Felony may be safely admitted without endangering the Appearance of such Persons to take their Trial in due Course of Law, and it is therefore expedient in such Cases to amend and extend the Provisions in that respect of an Act passed in the Seventh Year of King George the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England;* be it therefore enacted, That it shall be lawful for any Two Justices of the Peace, if they shall think fit, of whom one or other shall have signed the Warrant of Commitment, to admit any Person or Persons charged with Felony, or against whom any Warrant of Commitment for Felony is signed, to Bail, in the Manner and according to the Provisions directed by the said recited Act, in such Sum or Sums of Money and with such Surety or Sureties as they shall think fit, and notwithstanding such Person or Persons shall have confessed the Matter laid to his or their Charge, or notwithstanding such Justices shall not think that such Charge is groundless, or shall think that the Circumstances are such as to raise a Presumption of Guilt.

Extending Provisions of Act 7 G. 4. c. 64. as to taking of Bail in Cases of Felony.

## C A P. XXXIV.

An Act to amend Two clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith.* [25th August 1835.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late 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 whereas the said Act contains a Proviso in the Words following; that is to say, "Provided always, that if upon the Trial of any Person indicted for such Misdemeanor it shall be proved that he obtained the Property in question in any such Manner as to amount in Law to Larceny, he shall by reason thereof be entitled to be acquitted of such Misdemeanor": And

9 G. 4. c. 55.

Proviso in  
9 G. 4. c. 55.  
s. 46. to have  
the intended  
Effect notwith-  
standing the  
Omission.

Clause 50 of  
9 G. 4. c. 55.  
to have the in-  
tended Effect  
notwithstanding  
the Omission  
therein.

‘ whereas the Word “not” has by a clerical Error been omitted  
‘ between the Words “shall” and “by” in the said Proviso:’ Be  
it enacted by the King’s most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the  
Authority of the same, That the said herein-before recited Pro-  
viso of the said Act of Parliament shall be deemed, construed,  
and taken to have such and the same Effect to all Intents and  
Purposes whatsoever, as if the said Word “not” had been  
originally inserted between the Words “shall” and “by”.

II. ‘ And whereas in another Clause of the said recited Act the  
‘ Words following are contained; that is to say, “And to en-  
‘ courage the Prosecution of Offenders, be it enacted, That if  
‘ any Person guilty of any such Felony or Misdemeanor as  
‘ aforesaid, in stealing, taking, obtaining, or converting, or in  
‘ knowingly receiving, any Chattel, Money, valuable Security,  
‘ or other Property whatsoever, shall be indicted for any  
‘ Offence by or on the Behalf of the Owner of the Property,  
‘ or his Executor or Administrator, and convicted thereof, in  
‘ such Case the Property shall be restored to the Owner or his  
‘ Representative”: And whereas the Word “such” has by a  
‘ clerical Error been omitted between the Words “any” and  
‘ Offence” in the said Clause:’ Be it enacted, That the herein-  
before recited Clause of the said Act of Parliament shall be  
deemed, construed, and taken to have such and the same Effect  
to all Intents and Purposes whatsoever as if the said Word  
“such” had been originally inserted between the said Words  
“any” and “Offence”.

### C A P. XXXV.

An Act for consolidating the Offices of Paymaster General,  
Paymaster and Treasurer of *Chelsea* Hospital, Treasurer of  
the Navy, and Treasurer of the Ordnance.

[25th August 1835.]

‘ WHEREAS various Acts have been passed from Time to  
‘ Time for the better Regulation of the Offices of Re-  
‘ ceiver and Paymaster General of His Majesty’s Guards, Garri-  
‘ sons, and Land Forces, of Paymaster and Treasurer of all  
‘ Monies for the Maintenance or Relief of the disabled and super-  
‘ annuated Non-commissioned Officers and Soldiers entertained  
‘ in His Majesty’s Royal Hospital near *Chelsea*, of the Office of  
‘ Treasurer of His Majesty’s Royal Navy, and of the Office of  
‘ Treasurer of His Majesty’s Ordnance: And whereas it is expe-  
‘ dient to consolidate into One Establishment those Four several  
‘ Offices, and to make Provision for the proper Dispatch of the  
‘ Public Business when such Consolidation shall have taken  
‘ place;’ be it therefore enacted by the King’s most Excellent  
Majesty, by and with the Advice and Consent of the Lords  
Spiritual and Temporal, and Commons, in this present Parliament  
assembled, and by the Authority of the same, That from and after  
the passing of this Act it shall be lawful for His Majesty, His  
Heirs and Successors, by Warrant under the Royal Sign Manual,  
countersigned by the Lord High Treasurer, or the Commissioners

Certain Offices  
abolished, and  
One Office con-  
stituted in place  
thereof.

of the Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three or more of them, to abolish the said Offices of Receiver and Paymaster General of His Majesty's Guards, Garrisons, and Land Forces, of Paymaster and Treasurer of all Monies for the Maintenance or Relief of the disabled and superannuated Non-commissioned Officers and Soldiers entertained in His Majesty's Royal Hospital near *Chelsea*, of Treasurer of His Majesty's Royal Navy, and of Treasurer of His Majesty's Ordnance; and in place of the said several Offices to constitute and appoint One Office for the Discharge of the Duties now executed in the several Offices so authorized to be abolished.

II. And be it further enacted, That from and after the Date of such Warrant directing the Abolition of the said Offices the several Patents, Warrants, and Authorities under which the same have been and are or shall be held shall cease and determine and become absolutely null and void.

Patents, &c. to cease.

III. And be it further enacted, That the Office to be created to execute the several Duties now discharged in the said Offices so to be abolished shall be styled "The Office of His Majesty's Paymaster General"; and that the Establishment thereof shall consist of a Paymaster General, with such Number of Officers, Clerks, and Assistants, and with such Salaries, as shall be fixed and regulated from Time to Time by the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them.

Establishment of the Office of Paymaster General.

IV. And be it further enacted, That the said Office of Paymaster General shall be granted by Warrant under the Royal Sign Manual, countersigned by the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, or any Three or more of them, and that such Grant when so made shall be and continue in force during His Majesty's Pleasure, in the same Manner as the Offices by this Act authorized to be abolished are granted and held.

Appointment to Office.

V. And be it further enacted, That the said Office of Paymaster General shall not be deemed or taken to be a new Office within the Meaning of an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for the Security of Her Majesty's Person and Government, and of the Succession of the Crown of Great Britain in the Protestant Line*.

Office not to be deemed a new Office.

6 Ann. c. 7.

VI. Provided always, and be it further enacted, That the Person who may be appointed to the said Office of Paymaster General, if he shall at the Time of the Abolition of the Offices by this Act authorized to be abolished be in possession of any of the said Offices, shall not by reason of such Appointment thereby vacate his Seat in Parliament which any such Person may then hold; any thing in the said Act of Queen *Anne* or of any other Act or Acts to the contrary notwithstanding.

Paymaster General, if holding an abolished Office, not to vacate his Seat.

VII. And be it further enacted, That from and after the Abolition of the said Offices, and so soon as the Appointment of a Paymaster General shall have been made under the Authority of this Act by His Majesty, His Heirs or Successors, all the Interest, Titles, Powers, Authorities, Privileges, and Duties now exercised by or vested, either by Law or Usage, in any of the

Duties transferred to new Office.

said Offices so abolished, shall be and the same are hereby declared to be transferred to, exercised by, and vested in the said Paymaster General, in as full and ample a Manner to all Intents and Purposes as they were exercised by or vested in the Persons holding the said Offices so abolished, except only so far as any of such Interests, Titles, Powers, Authorities, Privileges, and Duties are or shall be by this Act controlled, diminished, or varied.

Actions to  
continue.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to abate any Suits or other Proceedings either at Law or in Equity which are now or shall at the Period of the Abolition of the said Offices be depending in the Name or on behalf of any of the said Officers whose Offices shall be so abolished, but all such Suits and Proceedings shall and may continue to be carried on in their respective Names in the same Manner as if this Act had not been passed, for and on behalf of the Paymaster General to be appointed under the Authority of this Act.

Bonds to re-  
main in force.

IX. And be it further enacted, That all Bonds which shall have been entered into and given to the Crown, or otherwise, by any Deputies or other Officers or Clerks, or by any other Person or Persons whatsoever, and their respective Sureties, for the faithful Discharge of their Duty in any of the said Offices intended to be hereby abolished, shall notwithstanding such Abolition be and continue in force against the Parties to such Bonds, as well in respect of the Duties, Matters, and Things therein mentioned or referred unto, as of all Duties, Matters, and Things thereafter to be done and performed, which the said Deputies or other Officers or Clerks or Persons would have been liable to do and perform, before the Abolition of the Offices intended to be abolished under the Authority of this Act.

Treasury may  
make Regula-  
tions for new  
Office.

X. And whereas by reason of the Abolition of the said Offices it will be necessary that new Regulations should be prescribed for the Government of the Office to be created under the Authority of this Act; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or for the Commissioners of the Treasury for the Time being, or any Three or more of them, and he and they are hereby empowered to prescribe such Rules and Regulations, and to issue such Orders, from Time to Time, in all Matters and Things relating to the said Office, for the Safety, Economy, and Advantage of the Public Service, as he or they shall see fit; which Rules, Regulations, and Orders shall be of full Force and Authority, and shall be observed by the Comptroller General of His Majesty's Exchequer, and by the Governor and Company of the Bank of *England*, when certified to them by the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, and by all Bodies and Persons whatsoever, in relation to all Matters and Things therein contained, any thing in any Act or Acts to the contrary notwithstanding.

Regulations to  
be laid before  
Parliament.

XI. And be it further enacted, That a Return, setting forth all Rules, Orders, and Regulations which shall have been issued and prescribed by the Commissioners of the Treasury, shall be laid before Parliament within Six Weeks from the Date of their  
being

being promulgated, if Parliament be then sitting, and if not then sitting within Six Weeks from the Day of the next ensuing Meeting of Parliament.

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

### C A P. XXXVI.

An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day. [25th August 1835.]

• **W**HEREAS it would tend to promote the Purity of Elections and the Diminution of Expence if the Poll at all contested Elections of Members to serve in Parliament for Cities, Boroughs, and Towns, or for Counties of Cities or Counties of Towns, were taken in One Day: And whereas by an Act passed in the Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in England and Wales*, it is among other Things enacted, that such Poll may remain open during the Space of Two Days: And whereas it is expedient to repeal that Part of the said recited Act which allows the Poll so to continue open during the Space of Two Days; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act such Part of the said recited Act as allows the Poll to continue open during Two Days in Cities, Boroughs, and Towns, or in Counties of Cities or Counties of Towns, be repealed, and the same is hereby repealed.

2 & 3 W. 4. c. 45.

So much of recited Act as allows the Poll to be kept open Two Days repealed.

II. And be it further enacted, That at every contested Election of a Member or Members to serve in Parliament for any City, Borough, or Town, or County of a City or County of a Town, the polling shall commence at Eight of the Clock in the Forenoon of the Day next following the Day fixed for the Election; and the polling shall continue during such One Day only; and no Poll shall be kept open later than Four of the Clock in the Afternoon: Provided always, that when such Day next following the Day fixed for the Election shall be *Sunday*, *Good Friday*, or *Christmas Day*, then in the Case it be *Sunday* the Poll shall be on the *Monday* next following; and in the Case it be *Good Friday*, then on the *Saturday* next following; and in the Case it be *Christmas Day*, then on the next following Day, if the same shall not be *Sunday*, and if it be *Sunday*, on the next following *Monday*.

Period of polling.

III. And be it further enacted, That the Polling Booths or Compartments at each Polling Place shall be so divided and arranged by the Sheriff or other Returning Officer that not more than Three hundred Electors shall be allotted to poll in each such Booth or Compartment.

300 Voters only to poll in One Booth.

IV. And be it further enacted, That on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, the Booths or Compartments of each Polling Place shall

Not more than 100 Voters to poll in One Booth, if so required.

shall be so divided and arranged by the Sheriff or other Returning Officer that not more than One hundred Electors shall be allotted to poll in each such Booth or Compartment: Provided always, that such Candidate or Elector making such Requisition shall pay all Expences incident upon such Division or Arrangement.

Notice to be given of Situation of Booths, if required.

V. And be it further enacted, That in case any Requisition as aforesaid shall be made on or before the Day fixed for the Election, the Sheriff or other Returning Officer shall forthwith give public Notice of the Situation of such Booths, which shall be deemed to be sufficient Notice, any Law or Statute to the contrary notwithstanding.

Oaths of Allegiance, Supremacy, and Abjuration not to be taken.

VI. And be it further enacted, That no Elector at any Election shall be required to take the Oaths commonly called the Oaths of Allegiance, Abjuration, and Supremacy, nor any Oath or Oaths required to be taken by any Act of Parliament in lieu thereof; any Law or Statute to the contrary notwithstanding.

Liverymen of London, entitled to vote in respect of Premises, may vote at the Booth for the District.

VII. And be it further enacted, That such of the Freemen of the City of *London*, being Liverymen, as are or shall be entitled to vote in the Election of Members to serve in any future Parliament for the City of *London* in the Guildhall, and who are or shall be also entitled to vote in such Election as Owner or Tenant of Premises in such City, shall be entitled to vote at any such Election at the Booth or Place appointed for the Parish, District, or Part wherein the Property may be situate in respect of which he is so entitled to vote as aforesaid; and that such Vote shall be entered in the Poll Books either as the Vote of a Liveryman, or as Owner or Tenant, as the Person so voting shall direct.

Adjournment of Nomination or of Poll in case of Riot.

VIII. And be it enacted, That where the Proceedings at any Election shall be interrupted or obstructed by any Riot or open Violence, whether such Proceedings shall consist of the Nomination of Candidates or of the taking the Poll, the Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination or the taking the Poll at the particular Polling Place or Places at which such Interruption or Obstruction shall have happened until the following Day, and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed with the Business of the Nomination or with the taking the Poll, as the Case may be, at the Place or Places at which the same respectively may have been interrupted or obstructed; and the Day on which the Business of the Nomination shall have been concluded shall be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly; and any Day whereon the Poll shall have been so adjourned shall not as to such Place or Places be reckoned the Day of polling at such Election, within the Meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the

Poll



Poll so. adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer, any thing herein-before or in any other Statute to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an Adjournment to a *Sunday*; but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a *Sunday, Good Friday, or Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made.

IX. And be it further enacted, That nothing in this Act shall be construed to apply to *Ireland* or to *Scotland*.

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

Not to extend to Ireland, &c.

Act may be repealed, &c.

### C A P. XXXVII.

An Act for the further Reduction of the Militia Staff, and to suspend the Ballot for the Militia. [25th August 1835.]

WHEREAS it is expedient to reduce the present Staff of the Militia in *Great Britain* and *Ireland*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Reduction shall take place in the Disembodied Staff of the said Militia at the Time and in the Manner herein-after mentioned; namely, it shall be lawful for His Majesty, by an Order in Council, at any Time before the Tenth Day of *September* One thousand eight hundred and thirty-five, to direct that a Proportion of the Serjeants of each Regiment, Battalion, or Corps of Militia, such Proportion not to be less than One Third of the Number of Serjeants (not including the Serjeant-Major) borne on the existing Establishment of the Disembodied Staff, shall be reduced on the Tenth Day of *October* One thousand eight hundred and thirty-five: Provided always, that the whole Number of Serjeants so to be reduced shall not exceed One Half of the whole Number serving on the First Day of *August* in the present Year.

Reduction of the Disembodied Staff of the Militia.

II. And be it further enacted, That all the Drum-Majors and Drummers of the Militia of *Great Britain* and *Ireland* shall be reduced on the said Tenth Day of *October* in the present Year.

Drum-Majors, &c. reduced.

III. And be it further enacted, That it shall be lawful for His Majesty, by an Order signed by One of His Majesty's Principal Secretaries of State in *Great Britain*, and in *Ireland* by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Time being respectively, to direct the Lord Lieutenant of any County in *Great Britain*, and the Lieutenant of any County in *Ireland*, to cause the Arms and other Stores belonging to any Regiment, Battalion, or Corps of Militia of such County in *Great Britain* and *Ireland* respectively to be delivered over to His Majesty's Ordnance Department.

Disposal of the Arms and Stores.

IV. And whereas it is expedient to suspend for a further Period the making of Lists and the Ballots and Enrolments for

General and Subdivision Meetings re-

lating to the  
Militia sus-  
pender'.

Proceedings  
may be had  
during such  
Suspension by  
Order in  
Council.

His Majesty  
may direct that  
certain Vacan-  
cies shall not  
be filled up.

Act to extend  
to Wardens of  
Stannaries, &c.

' the Militia of the United Kingdom; ' be it therefore enacted, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns, or preparing or making out Lists for such Militia, or any Parts thereof, or relating to the balloting for or enrolling any Militiamen or Substitutes, or supplying any Vacancies in such Militia, except as herein-after excepted, shall remain suspended until the End of the next Session of Parliament, any thing in any Act or Acts to the contrary notwithstanding.

V. Provided always, and be it enacted, That it shall be lawful for His Majesty by any Order in Council to direct that any Proceedings shall be had, at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as His Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England, Scotland,* and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Lieutenants and Deputy Lieutenants of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England, Scotland,* and *Ireland* respectively relating to the Militia and Corps of Miners of *Cornwall* and *Devon* shall upon any such Order, and Direction given in pursuance thereof, become and be in full force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

VI. And be it further enacted, That it shall and may be lawful for His Majesty, by Order signified by One of His Majesty's Principal Secretaries of State, to direct that in case of any Vacancy occurring among the Adjutants of the Disembodied Militia, such Vacancy, if it be thought proper, shall not be filled up.

VII. And be it further enacted, That this Act, and all the Clauses, Provisions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries, and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

## C A P. XXXVIII

An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in *England* and *Wales*; and for appointing Inspectors of Prisons in *Great Britain*.

[25th August 1835.]

WHEREAS by the Laws now in force Rules and Regulations made for the Government of certain Prisons, and for the Duties to be performed by the Officers of the same, are in *London* and *Middlesex* required to be submitted to the Two Chief Justices, and elsewhere to certain other Justices, for Approval, and to be approved of by them before they can be enforced: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no such Rules and Regulations made after the passing of this Act shall be required to be submitted for Approval, or to be approved of, otherwise than is herein-after mentioned.

II. And be it enacted, That all Rules and Regulations which shall be made after the passing of this Act by the Court of Mayor and Aldermen of the City of *London*, Justices of the Peace, or other Persons whatsoever, which they are now by Law authorized to make for the Government of any Prisons in *England* and *Wales*, or for the Duties to be performed by the Officers of such Prisons, shall be submitted to One of His Majesty's Principal Secretaries of State, and it shall be lawful for such Secretary of State, if he thinks fit, to alter such Rules and Regulations, or to make additional Rules and Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as submitted to him, or altered or added to, are proper to be enforced; and when such Secretary of State shall have subscribed such Certificate or Declaration, such Rules and Regulations, Alterations and Additions, shall be binding upon the Sheriff and all other Persons, without any other Sanction or Approval: Provided also, that no Rule or Regulation, save as herein-after is mentioned, which, after the passing of this Act, shall be made for any Prison within *England* and *Wales*, or for the Duties to be performed by the Officers of such Prison, shall be enforced until a Certificate or Declaration shall have been duly subscribed by One of His Majesty's Principal Secretaries of State in manner aforesaid.

III. Whereas great Inconvenience and Expence have been found to result from the Practice of committing to the Common Gaol of the County Persons charged with the Offences intended to be tried at the Assizes or Sessions holden for such County where such Assizes or Sessions are holden at Places distant from such Common Gaol, and it is expedient that the Law should be altered and amended; for Remedy thereof, be it enacted, That from and after the passing of this Act it shall be lawful for any Justice of the Peace or Coroner, acting within their several Jurisdictions in *England* and *Wales*, to commit for safe Custody to any House of Correction, situate near to the

Rules for Government of Prisons to be approved only as herein-after provided.

Manner in which such Rules are to be made and approved.

Justices of Peace empowered to commit Offenders to any House of Correction near the Place where the Assizes are to be holden at which they are to be tried.

Place where such Assizes and Sessions are intended to be holden, any Person or Persons charged before them with any Offence triable at such Assizes or Sessions; and that whenever any such Persons shall be committed to any such House of Correction for Trial at such Assizes or Sessions, the Keeper of such House of Correction shall deliver to the Judges of Assize or Justices at Sessions a Calendar of all Prisoners in his Custody for Trial at such Assizes or Sessions respectively, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County.

How Persons convicted of Offences for which they are liable to Death, &c. shall be disposed of.

IV. And be it further enacted, That whenever any Person shall be convicted at any Assizes or Sessions of any Offence for which he or she shall be liable either to the Punishment of Death, Transportation, or Imprisonment, it shall be lawful for the Court (if it shall so think fit) to commit such Person to any House of Correction for such County, in execution of his or her Judgment; and in case of the Commitment of any Person sentenced to Death, Execution of such Judgment shall and may be had and done by the Sheriff of the County; and in case of the Commitment of any Person either sentenced to Transportation, or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation, given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers, shall be and the same are hereby extended and given to the Keepers of Houses of Correction in whose Custody such last-mentioned Offenders shall be.

Clerks of Peace, &c. to transmit Copies of Prison Rules to Secretary of State, who may add to or alter the same.

V. And be it enacted, That on or before the First Day of *November* in every Year the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every City, Town, Borough, Port, or Liberty within *England* and *Wales*, now having any Prison, shall transmit Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in such Year for the Government of every Prison for and belonging to their respective Counties, Ridings, or Divisions of Counties, Cities, Towns, Boroughs, Ports, and Liberties, to One of His Majesty's Principal Secretaries of State, together with Copies of such new or additional Rules and Regulations as may be proposed for the Government thereof; and that it shall be lawful for such Secretary of State to alter such Rules or Regulations, Copies whereof shall be transmitted to him in pursuance of this Act, and to make additional Rules or Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as transmitted to him, or altered or added to, are proper to be enforced; and the Rules and Regulations, Alterations and Additions so certified shall be binding upon Sheriffs and all other Persons; and the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every such City, Town, Borough, Port, and Liberty, are hereby required to lay before the Court of Quarter Sessions held next after the Twenty-fifth Day of *September* in every Year for their respective Counties, Ridings, Divisions of Counties, Cities, Towns, Boroughs, Ports, and

Clerks of Peace, &c. to lay Copies of Prison Rules before the Court of Quarter Sessions.

and Liberties on the first Day of such Sessions, like Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in every Year for the Government of their respective Prisons.

VI. And be it further enacted, That in case of any Clerk of the Peace, Clerk of Gaol Sessions, or Chief Magistrate of any City, Town, Borough, Port, or Liberty, neglecting or omitting to transmit to One of His Majesty's Principal Secretaries of State Copies of the Rules or Regulations in force for the Government of any Prison which he is required by this Act to transmit, it shall be lawful for One of His Majesty's Principal Secretaries of State after the First Day of *December* in every Year to certify what Rules and Regulations he deems necessary for the Government of such Prison; and the Rules and Regulations so certified by such Secretary of State shall thenceforth be binding upon Sheriffs and all other Persons, and shall be the only Rules in force for the Government of such Prison.

In case Clerks of Peace, &c. neglect to transmit such Rules to the Secretary of State he may certify what Rules he may deem necessary, &c.

VII. And be it enacted, That it shall be lawful for One of His Majesty's Principal Secretaries of State to nominate and appoint a sufficient Number of fit and proper Persons, not exceeding Five, to visit and inspect, either singly or together, every Gaol, Bridewell, House of Correction, Penitentiary, or other Prison or Place kept or used for the Confinement of Prisoners, in any Part of the Kingdom of *Great Britain*; and every Person so appointed shall have Authority to examine any Person holding any Office or receiving any Salary or Emolument in any such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement as aforesaid, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching and concerning such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement; and every such Person so appointed shall, on or before the First Day of *February* in every Year, make a separate and distinct Report in Writing of the State of every Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement visited by him, and shall transmit the same to One of His Majesty's Principal Secretaries of State; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after such First Day of *February*, if they shall be then assembled; or if Parliament shall not be then assembled, within Fourteen Days after the Meeting thereof after such First Day of *February*.

Power to appoint Inspectors of Prisons.

VIII. And be it further enacted, That if any Person shall knowingly and wilfully obstruct any Person so appointed in the Execution of any of the Powers intrusted to him by this Act, such Person shall, on Conviction before a Justice of the Peace, forfeit and pay for each and every such Offence any Sum not exceeding Twenty Pounds, and in default of Payment of any Penalty so adjudged, immediately, or within such Time as the said Justice shall appoint, shall be committed to Prison for any Period not exceeding One Calendar Month.

Penalty on obstructing Inspectors.

IX. And be it further enacted, That it shall be lawful for a Justice of the Peace, on any Complaint made to him against

A Justice may summon Offenders, &c.

any Person for any such Offence, to issue his Summons for the Appearance of such Person.

Secretary of State may visit Prisons, &c.

X. And be it enacted, That it shall be lawful for any One of His Majesty's Principal Secretaries of State to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison or Prisons or any Penitentiary or other Place of Confinement for Prisoners in *Great Britain* upon any Occasion which such Secretary of State may think expedient.

His Majesty may order Prisoners to be removed from one Prison to another.

XI. And be it enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that any Persons in Prison within *England* and *Wales*, under Sentence of any Court or of any competent Authority for any Offence committed by them, shall be removed from the Prison in which they are confined to any other of His Majesty's Prisons or Penitentiaries within *England* and *Wales*, there to be imprisoned for and during their respective Terms of Imprisonment.

Where Term of Imprisonment expires on Sunday, Prisoner to be discharged on preceding Day.

XII. And be it enacted, That every Person confined in any Prison whose Term of Imprisonment would according to his or her Sentence have expired on any Lord's Day shall be entitled to his or her Discharge from such Prison on the *Saturday* next preceding such Lord's Day; and every Keeper, Governor, or other Officer of any Prison having the Custody of any such Prisoner as aforesaid is hereby authorized and required to discharge such Prisoner on the *Saturday* next preceding any such Lord's Day.

Power given by 4 & 5 W. 4. c. 36. to His Majesty to direct Persons sentenced to Imprisonment for Offences committed beyond Limits of that Act to be removed to Penitentiary, extended to Offences committed within the Limits.

XIII. ' And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining*, it was among other Things enacted, that it shall be lawful for His Majesty, by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who may be sentenced to Imprisonment by any Court or competent Authority for any Offence committed beyond the Limits of that Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment: And whereas it is expedient that the like Power should be given for directing Persons who shall be sentenced by any Court, or ordered by any competent Authority, to be imprisoned for Offences committed within the Limits of the said Act, no less than for Offences committed beyond the Limits of the said Act; be it therefore enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who shall be sentenced by any Court, or ordered by any competent Authority, subjecting such Person to hard Labour, to be imprisoned for any Offence committed within the Limits of the before-recited Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from

any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment.

XIV. And be it further enacted, That all Provisions and Regulations expressed and contained in any Act made for the Government of the General Penitentiary at *Milbank*, and all Powers given by such Act for the Confinement, Employment, and Management of Convicts confined therein, shall be applicable and made available in respect to all Persons removed to and confined in the said Penitentiary by virtue of this Act, and the Act before recited.

Powers contained in Penitentiary Acts extended to all Prisoners, &c.

XV. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the General Penitentiary for Convicts* at *Milbank*, it was among other Things enacted, that any Number of Convicts not exceeding Six hundred Male and Four hundred Female Convicts may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said Act and of a certain other Act therein recited: And whereas it is expedient that Power should be given to increase the Number of Male Convicts to be confined in the said Penitentiary; be it therefore enacted, That any Number of Male Convicts not exceeding Eight hundred may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said last-recited Act and a certain other Act therein recited.

800 Male Convicts may be confined in Penitentiary, instead of 600, as limited by 59G. 3. c.136.

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

Act may be altered, &c.

### C A P. XXXIX.

An Act to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal thereof. [31st August 1835.]

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits*, certain additional Rates and Duties of Excise were granted and imposed on Excise Licences taken out by Retailers of Spirits: And whereas it is expedient to exempt from the Payment of such additional Rates and Duties such Retailers of Spirits as do not receive or consume more than Fifty Gallons of Spirits in the course of a Year: And whereas it is deemed unnecessary to continue the keeping Accounts by the Officers of Excise of the Stocks of Dealers in and Retailers of Foreign Wine, or the Survey by the Officers of Excise of such

4 & 5 W. 4. c. 75.

‘ such Dealers and Retailers as shall deal in or retail Wine only, and shall not be Dealers in or Retailers of Spirits, or to continue the Use of Permits in the Removal of Wine:’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of October One thousand eight hundred and thirty-five no Retailer of Spirits not receiving or consuming more than Fifty Gallons of Spirits in the Year shall be obliged or required to pay the said additional Rates and Duties on taking out or renewing his Licence to retail Spirits; but every such Retailer shall be entitled to receive, and the Commissioners and Officers of Excise are hereby authorized, empowered, and required to grant, such Licence on Payment of the Rates and Duties payable before the passing of the said recited Act.

Retailers of Spirits not consuming more than 50 Gallons in the Year not to be required to pay the additional Duties on Licences.

For ascertaining the Quantity of Spirits received and consumed.

II. And be it further enacted, That the Quantity of Spirits received and consumed by any Retailer of Spirits shall for the Purposes of this Act be ascertained and determined by the Quantity of Spirits received into the Stock of such Retailer during the Year next preceding the Application by such Retailer to take out or renew his Licence, as appearing either by the Permits granted by or delivered to the Officers of Excise, or by any Stock Account of any Officer of Excise.

So much of any Acts as requires Entries by Dealers in Wine, &c. repealed.

III. And be it further enacted, That from and after the passing of this Act so much of any Act or Acts as requires any Dealer in or Retailer of Wine to make Entry of the Premises by him occupied for dealing in or retailing Wine, and as requires the keeping an Account by the Officers of Excise of the Stocks of Wine in the Possession of Dealers or Retailers, and as authorizes the Survey by Officers of Excise of such Stocks and of the Premises in which the same are kept, shall be and the same is hereby repealed.

Retailers of Wine and Spirits to continue to make Entry, and Officers of Excise may enter, &c. the Places used for keeping Wine.

IV. Provided always, and be it further enacted, That where any Dealer in or Retailer of Wine shall also be a Dealer in or Retailer of Foreign or *British* Spirits in the same House or Premises, or in any other House or Premises within Five hundred Yards, such Dealer or Retailer shall continue to make Entry with the Officers of Excise of every House, Room, Cellar, Vault, or Place made use of by him for the keeping or storing of or dealing in or retailing Wine, on pain of forfeiting for every unentered House, Room, Cellar, Vault, or Place, Fifty Pounds, together with all Wine and other Liquors which may be found therein; and it shall be lawful for any Officer of Excise at any Time to enter into any House, Room, Cellar, Vault, or Place used by any such Dealer or Retailer for keeping or storing, dealing in or retailing Wine, and to examine all Wine therein.

Permits not required, &c.

V. And be it further enacted, That so much of any Act or Acts as relates to the requiring of Permits for the Removal of Wine shall be and the same is hereby repealed.

Act not to affect Licences for dealing in Wine.

VI. Provided always, That nothing in this Act contained shall extend, or be deemed or construed to extend, to affect the Duties on Licences required to be taken out by Dealers in and Retailers of Wine; but that every Dealer in and Retailer of Wine shall



take out a Licence or Licences, and pay for the same in the same Manner as if this Act had not been passed.

VII. And be it further enacted, That it shall be lawful for the Commissioners and Officers of Excise, and they are hereby authorized and empowered, to grant Retail Licences to any Person to sell Beer, Spirits, and Wine in any Theatre established under a Royal Patent, or in any Theatre or other Place of Public Entertainment licensed by the Lord Chamberlain or by Justices of the Peace, without the Production by the Person applying for such Licence or Licences of any Certificate or Authority for such Person to keep a Common Inn, Alehouse, or Victualling House; any thing in any Act or Acts to the contrary notwithstanding.

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

Licences may be granted to sell Beer, &c. in Theatres, &c. without the Production of a Certificate.

Act may be altered, &c.

### C A P. XL.

An Act to provide for the better Collection of the Duties on Wood the Produce of Places in *Europe*.

[31st August 1835.]

‘ **W**HEREAS by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for granting Duties of Customs*, certain Duties are made payable upon Wood imported from *Europe*, and certain other Duties are made payable upon Wood imported from the *British Possessions in America*; and it is expedient to enforce in all Cases the Payment of the said first-mentioned Duties on all Wood the Produce of *Europe*;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties payable under the Authority of the said Act upon Wood imported from *Europe* shall be due and payable upon Wood the Produce of *Europe* although imported from some *British Possession in America*, and that such Duties shall be raised, levied, collected, and paid unto His Majesty in like Manner as if the same had been made so payable in and by the said Act; any thing in that Act, or in any other Act or Acts, to the contrary notwithstanding.

3 & 4 W. 4. c. 56.

Duty to be payable upon Wood the Produce of *Europe*, although imported from some *British Possession in America*.

### C A P. XLI.

An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions.

[31st August 1835.]

‘ **W**HEREAS by an Act passed in the Sixteenth Year of the Reign of His late Majesty King *Charles* the Second, and by an Act passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His late Majesty King *William* the Third, each of such Acts being intituled *An Act against deceitful, disorderly, and excessive Gaming*, it was enacted, that all and singular

16 Car. 2. c. 7.

10 Will. 3. (1.)

9 Ann. c. 14.

11 Ann. (I.)

12 Ann. st. 2.  
c. 16.

' singular Judgments, Statutes, Recognizances, Mortgages, Con-  
 ' veyances, Assurances, Bonds, Bills, Specialties, Promises, Cove-  
 ' nants, Agreements, and other Acts, Deeds, and Securities what-  
 ' soever, which should be obtained, made, given, acknowledged,  
 ' or entered into for Security or Satisfaction of or for any Money  
 ' or other Thing lost at Play or otherwise as in the said Acts  
 ' respectively is mentioned, or for any Part thereof, should be  
 ' utterly void and of none effect: And whereas by an Act passed  
 ' in the Ninth Year of the Reign of Her late Majesty Queen  
 ' *Anne*, and also by an Act passed in the Parliament of *Ireland*  
 ' in the Eleventh Year of the Reign of Her said late Majesty,  
 ' each of such Acts being intituled *An Act for the better preventing*  
 ' *of excessive and deceitful Gaming*, it was enacted, that from and  
 ' after the several Days therein respectively mentioned all Notes,  
 ' Bills, Bonds, Judgments, Mortgages, or other Securities or  
 ' Conveyances whatsoever, given, granted, drawn, or entered into  
 ' or executed by any Person or Persons whatsoever, where the  
 ' Whole or any Part of the Consideration of such Conveyances  
 ' or Securities should be for any Money or other valuable Thing  
 ' whatsoever won by gaming or playing at Cards, Dice, Tables,  
 ' Tennis, Bowls, or other Game or Games whatsoever, or by  
 ' betting on the Sides or Hands of such as did game at any of  
 ' the Games aforesaid, or for the reimbursing or repaying any  
 ' Money knowingly lent or advanced for such gaming or betting  
 ' as aforesaid, or lent or advanced at the Time and Place of  
 ' such Play to any Person or Persons so gaming or betting as  
 ' aforesaid, or that should, during such Play, so play or bet,  
 ' should be utterly void, frustrate, and of none effect, to all  
 ' Intents and Purposes whatsoever; and that where such Mort-  
 ' gages, Securities, or other Conveyances should be of Lands,  
 ' Tenements, or Hereditaments, or should be such as should in-  
 ' cumber or affect the same, such Mortgages, Securities, or other  
 ' Conveyances should enure and be to and for the sole Use and  
 ' Benefit of and should devolve upon such Person or Persons as  
 ' should or might have or be entitled to such Lands or Here-  
 ' ditaments in case the said Grantor or Grantors thereof, or the  
 ' Person or Persons so incumbering the same, had been naturally  
 ' dead, and as if such Mortgages, Securities, or other Conveyances  
 ' had been made to such Person or Persons so to be entitled after  
 ' the Decease of the Person or Persons so incumbering the same;  
 ' and that all Grants or Conveyances to be made for the pre-  
 ' venting of such Lands, Tenements, or Hereditaments from  
 ' coming to or devolving upon such Person or Persons thereby  
 ' intended to enjoy the same as aforesaid should be deemed frau-  
 ' dulent and void and of none effect, to all Intents and Purposes  
 ' whatsoever: And whereas by an Act passed in the Twelfth  
 ' Year of the Reign of Her said late Majesty Queen *Anne*, inti-  
 ' tuled *An Act to reduce the Rate of Interest without any Prejudice*  
 ' *to Parliamentary Securities*, it was enacted, that all Bonds, Con-  
 ' tracts, and Assurances whatsoever made after the Twenty-ninth  
 ' Day of *September* One thousand seven hundred and fourteen for  
 ' Payment of any Principal or Money to be lent or covenanted  
 ' to be performed upon or for any Usury, whereupon or whereby  
 ' there should be reserved or taken above the Rate of Five  
 ' Pounds

• Pounds in the Hundred, as therein mentioned, should be utterly  
 • void: And whereas by an Act passed in the Parliament of  
 • *Ireland* in the Fifth Year of the Reign of His late Majesty King  
 • *George* the Second, intituled *An Act for reducing the Interest of* 5 G. 2. (L)  
 • *Money to Six per Cent.*, it was enacted, that all Bonds, Con-  
 • tracts and Assurances whatsoever made after the First Day of  
 • *May* One thousand seven hundred and thirty-two for Payment  
 • of any Principal or Money to be lent or Covenant to be per-  
 • formed upon or for any Loan, whereupon or whereby there  
 • should be taken or reserved above the Rate of Six Pounds in  
 • the Hundred, should be utterly void: And whereas by an Act  
 • passed in the Fifty-eighth Year of the Reign of His late Ma-  
 • jesty King *George* the Third, intituled *An Act to afford Relief to* 58 G. 3. c. 93.  
 • *the bonâ fide Holders of negotiable Securities without Notice that*  
 • *they were given for a usurious Consideration*, it was enacted, that  
 • no Bill of Exchange or Promissory Note that should be drawn  
 • or made after the passing of that Act should, though it might  
 • have been given for a usurious Consideration or upon a usurious  
 • Contract, be void in the Hands of an Indorsee for valuable Con-  
 • sideration, unless such Indorsee had at the Time of discounting  
 • or paying such Consideration for the same actual Notice that  
 • such Bill of Exchange or Promissory Note had been originally  
 • given for a usurious Consideration or upon a usurious Contract:  
 • And whereas by an Act passed in the Parliament of *Ireland* in  
 • the Eleventh and Twelfth Years of the Reign of His said late  
 • Majesty King *George* the Third, intituled *An Act to prevent* 11 & 12 G. 3.  
 • *Frauds committed by Bankrupts*, it was enacted, that every Bond, (I.)  
 • Bill, Note, Contract, Agreement, or other Security whatsoever  
 • to be made or given by any Bankrupt or by any other Person  
 • unto or to the Use of or in Trust for any Creditor or Creditors,  
 • or for the Security of the Payment of any Debt or Sum of  
 • Money due from such Bankrupt at the Time of his becoming  
 • bankrupt, or any Part thereof, between the Time of his be-  
 • coming bankrupt and such Bankrupt's Discharge, as a Consi-  
 • deration or to the Intent to persuade him, her, or them to  
 • consent to or sign any such Allowance or Certificate, should be  
 • wholly void and of no effect, and the Monies there secured or  
 • agreed to be paid should not be recovered or recoverable: And  
 • whereas by an Act passed in the Forty-fifth Year of the Reign  
 • of His said late Majesty King *George* the Third, intituled *An* 45 G. 3. c. 72.  
 • *Act for the Encouragement of Seamen, and for the better and more*  
 • *effectually manning His Majesty's Navy during the present War*,  
 • it was enacted, that all Contracts and Agreements which should  
 • be entered into, and all Bills, Notes, and other Securities which  
 • should be given, by any Person or Persons for Ransom of any  
 • Ship or Vessel, or of any Merchandize or Goods on board the  
 • same, contrary to that Act, should be absolutely null and void  
 • in Law, and of no effect whatsoever: And whereas by an Act  
 • passed in the Sixth Year of the Reign of His late Majesty King  
 • *George* the Fourth, intituled *An Act to amend the Laws relating* 6 G. 4. c. 16.  
 • *to Bankrupts*, it was enacted, that any Contract or Security  
 • made or given by any Bankrupt or other Person unto or in  
 • Trust for any Creditor, or for securing the Payment of any  
 • Money due by such Bankrupt, at his Bankruptcy, as a Consi-  
 • deration

' deration or with Intent to persuade such Creditor to consent to  
 ' or sign the Certificate of any such Bankrupt, should be void,  
 ' and the Money thereby secured or agreed to be paid should  
 ' not be recoverable, and the Party sued on such Contract or  
 ' Security might plead the General Issue, and give that Act and  
 ' the special Matter in Evidence: And whereas Securities and  
 ' Instruments made void by virtue of the several herein-before  
 ' recited Acts of the Sixteenth Year of the Reign of His said late  
 ' Majesty King *Charles* the Second, the Tenth Year of the Reign  
 ' of His said late Majesty King *William* the Third, the Ninth and  
 ' Eleventh Years of the Reign of Her said late Majesty Queen  
 ' *Anne*, the Eleventh and Twelfth Years of the Reign of His said  
 ' late Majesty King *George* the Third, the Forty-fifth Year of the  
 ' Reign of His said late Majesty King *George* the Third, and the  
 ' Sixth Year of the Reign of His said late Majesty King *George*  
 ' the Fourth, and Securities and Instruments made void by virtue  
 ' of the said Act of the Twelfth Year of the Reign of Her said  
 ' late Majesty Queen *Anne* and the Fifth Year of the Reign of  
 ' His said late Majesty King *George* the Second, other than Bills  
 ' of Exchange or Promissory Notes made valid by the said Act  
 ' of the Fifty-eighth Year of the Reign of His said late Majesty  
 ' King *George* the Third, are sometimes indorsed, transferred,  
 ' assigned, or conveyed to Purchasers or other Persons for a  
 ' valuable Consideration, without Notice of the original Consi-  
 ' deration for which such Securities or Instruments were given;  
 ' and the Avoidance of such Securities or Instruments in the  
 ' Hands of such Purchasers or other Persons is often attended  
 ' with great Hardship and Injustice: For Remedy thereof be it  
 ' enacted by the King's most Excellent Majesty, by and with the  
 ' Advice and Consent of the Lords Spiritual and Temporal, and  
 ' Commons, in this present Parliament assembled, and by the  
 ' Authority of the same, That so much of the herein-before recited  
 ' Acts of the Sixteenth Year of the Reign of His said late Majesty  
 ' King *Charles* the Second, the Tenth Year of the Reign of His  
 ' said late Majesty King *William* the Third, the Ninth, Eleventh,  
 ' and Twelfth Years of the Reign of Her said late Majesty Queen  
 ' *Anne*, the Fifth Year of the Reign of His said late Majesty King  
 ' *George* the Second, the Eleventh and Twelfth and the Forty-fifth  
 ' Years of the Reign of His said late Majesty King *George* the  
 ' Third, and the Sixth Year of the Reign of His said late Majesty  
 ' King *George* the Fourth, as enacts that any Note, Bill, or Mort-  
 ' gage shall be absolutely void, shall be and the same is hereby  
 ' repealed; but nevertheless every Note, Bill, or Mortgage which  
 ' if this Act had not been passed would, by virtue of the said  
 ' several lastly herein-before mentioned Acts or any of them, have  
 ' been absolutely void, shall be deemed and taken to have been  
 ' made, drawn, accepted, given, or executed for an illegal Consi-  
 ' deration, and the said several Acts shall have the same Force  
 ' and Effect which they would respectively have had if instead of  
 ' enacting that any such Note, Bill, or Mortgage should be abso-  
 ' lutely void, such Acts had respectively provided that every such  
 ' Note, Bill, or Mortgage should be deemed and taken to have  
 ' been made, drawn, accepted, given, or executed for an illegal  
 ' Consideration: Provided always, that nothing herein contained  
 ' shall

securities given  
 for Considera-  
 tions arising  
 out of illegal  
 Transactions  
 not to be void,  
 but to be deemed  
 to have been  
 given for an  
 illegal Consi-  
 deration.

shall prejudice or affect any Note, Bill, or Mortgage which would have been good and valid if this Act had not been passed.

II. And be it further enacted, That in case any Person shall, after the passing of this Act, make, draw, give, or execute any Note, Bill, or Mortgage for any Consideration on account of which the same is by the herein-before recited Acts of the Sixteenth Year of the Reign of His said late Majesty King *Charles* the Second, the Tenth Year of the Reign of His said late Majesty King *William* the Third, and the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen *Anne*, or by any one or more of such Acts, declared to be void, and such Person shall actually pay to any Indorsee, Holder, or Assignee of such Note, Bill, or Mortgage the Amount of the Money thereby secured, or any Part thereof, such Money so paid shall be deemed and taken to have been paid for and on account of the Person to whom such Note, Bill, or Mortgage was originally given upon such illegal Consideration as aforesaid, and shall be deemed and taken to be a Debt due and owing from such last-named Person to the Person who shall so have paid such Money, and shall accordingly be recoverable by Action at Law in any of His Majesty's Courts of Record.

Money paid to the Holder of such Securities shall be deemed to be paid on account of the Person to whom the same was originally given.

III. And be it further enacted, That so much of the said Acts of the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen *Anne* as enacts that where such Mortgages, Securities, or other Conveyances as therein mentioned should be of Lands, Tenements, or Hereditaments, or should be such as should incumber or affect the same, such Mortgages, Securities, or other Conveyances should enure and be to and for the sole Use and Benefit of and should devolve upon such Person or Persons as should or might have or be entitled to such Lands or Hereditaments in case the Grantor or Grantors thereof, or the Person or Persons incumbering the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances had been made to such Person or Persons so to be entitled after the Decease of the Person or Persons so incumbering the same, and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements, or Hereditaments from coming to or devolving upon such Person or Persons thereby intended to enjoy the same as aforesaid, should be deemed fraudulent and void, and of none effect, to all Intents and Purposes whatsoever, shall be and the same is hereby repealed; saving to all Persons all Rights acquired by virtue thereof previously to the passing of this Act.

Repealing so much of recited Acts of 9 & 11 Ann. as enacts that Securities shall enure for the Benefit of Parties in Remainder.

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

Act may be altered, &c.

### C A P. XLII.

An Act to authorize the granting of Superannuation Allowances to the Commissioners and Officers of the Courts for the Relief of Insolvent Debtors. [31st August 1835.]

‘ **W**HEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions,*

4 & 5 W. 4. c. 24.

Place where such Assizes and Sessions are intended to be holden, any Person or Persons charged before them with any Offence triable at such Assizes or Sessions; and that whenever any such Persons shall be committed to any such House of Correction for Trial at such Assizes or Sessions, the Keeper of such House of Correction shall deliver to the Judges of Assize or Justices at Sessions a Calendar of all Prisoners in his Custody for Trial at such Assizes or Sessions respectively, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County.

How Persons convicted of Offences for which they are liable to Death, &c. shall be disposed of.

IV. And be it further enacted, That whenever any Person shall be convicted at any Assizes or Sessions of any Offence for which he or she shall be liable either to the Punishment of Death, Transportation, or Imprisonment, it shall be lawful for the Court (if it shall so think fit) to commit such Person to any House of Correction for such County, in execution of his or her Judgment; and in case of the Commitment of any Person sentenced to Death, Execution of such Judgment shall and may be had and done by the Sheriff of the County; and in case of the Commitment of any Person either sentenced to Transportation, or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation, given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers, shall be and the same are hereby extended and given to the Keepers of Houses of Correction in whose Custody such last-mentioned Offenders shall be.

Clerks of Peace, &c. to transmit Copies of Prison Rules to Secretary of State, who may add to or alter the same.

V. And be it enacted, That on or before the First Day of *November* in every Year the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every City, Town, Borough, Port, or Liberty within *England* and *Wales*, now having any Prison, shall transmit Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in such Year for the Government of every Prison for and belonging to their respective Counties, Ridings, or Divisions of Counties, Cities, Towns, Boroughs, Ports, and Liberties, to One of His Majesty's Principal Secretaries of State, together with Copies of such new or additional Rules and Regulations as may be proposed for the Government thereof; and that it shall be lawful for such Secretary of State to alter such Rules or Regulations, Copies whereof shall be transmitted to him in pursuance of this Act, and to make additional Rules or Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as transmitted to him, or altered or added to, are proper to be enforced; and the Rules and Regulations, Alterations and Additions so certified shall be binding upon Sheriffs and all other Persons; and the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every such City, Town, Borough, Port, and Liberty, are hereby required to lay before the Court of Quarter Sessions held next after the Twenty-fifth Day of *September* in every Year for their respective Counties, Ridings, Divisions of Counties, Cities, Towns, Boroughs, Ports, and

Clerks of Peace, &c. to lay Copies of Prison Rules before the Court of Quarter Sessions.

and Liberties on the first Day of such Sessions, like Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in every Year for the Government of their respective Prisons.

VI. And be it further enacted, That in case of any Clerk of the Peace, Clerk of Gaol Sessions, or Chief Magistrate of any City, Town, Borough, Port, or Liberty, neglecting or omitting to transmit to One of His Majesty's Principal Secretaries of State Copies of the Rules or Regulations in force for the Government of any Prison which he is required by this Act to transmit, it shall be lawful for One of His Majesty's Principal Secretaries of State after the First Day of *December* in every Year to certify what Rules and Regulations he deems necessary for the Government of such Prison; and the Rules and Regulations so certified by such Secretary of State shall thenceforth be binding upon Sheriffs and all other Persons, and shall be the only Rules in force for the Government of such Prison.

VII. And be it enacted, That it shall be lawful for One of His Majesty's Principal Secretaries of State to nominate and appoint a sufficient Number of fit and proper Persons, not exceeding Five, to visit and inspect, either singly or together, every Gaol, Bridewell, House of Correction, Penitentiary, or other Prison or Place kept or used for the Confinement of Prisoners, in any Part of the Kingdom of *Great Britain*; and every Person so appointed shall have Authority to examine any Person holding any Office or receiving any Salary or Emolument in any such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement as aforesaid, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching and concerning such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement; and every such Person so appointed shall, on or before the First Day of *February* in every Year, make a separate and distinct Report in Writing of the State of every Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement visited by him, and shall transmit the same to One of His Majesty's Principal Secretaries of State; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after such First Day of *February*, if they shall be then assembled; or if Parliament shall not be then assembled, within Fourteen Days after the Meeting thereof after such First Day of *February*.

VIII. And be it further enacted, That if any Person shall knowingly and wilfully obstruct any Person so appointed in the Execution of any of the Powers intrusted to him by this Act, such Person shall, on Conviction before a Justice of the Peace, forfeit and pay for each and every such Offence any Sum not exceeding Twenty Pounds, and in default of Payment of any Penalty so adjudged, immediately, or within such Time as the said Justice shall appoint, shall be committed to Prison for any Period not exceeding One Calendar Month.

IX. And be it further enacted, That it shall be lawful for a Justice of the Peace, on any Complaint made to him against

In case Clerks of Peace, &c. neglect to transmit such Rules to the Secretary of State he may certify what Rules he may deem necessary, &c.

Power to appoint Inspectors of Prisons.

Penalty on obstructing Inspectors.

A Justice may summon Offenders, &c.

any Person for any such Offence, to issue his Summons for the Appearance of such Person.

Secretary of State may visit Prisons, &c.

X. And be it enacted, That it shall be lawful for any One of His Majesty's Principal Secretaries of State to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison or Prisons or any Penitentiary or other Place of Confinement for Prisoners in *Great Britain* upon any Occasion which such Secretary of State may think expedient.

His Majesty may order Prisoners to be removed from one Prison to another.

XI. And be it enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that any Persons in Prison within *England* and *Wales*, under Sentence of any Court or of any competent Authority for any Offence committed by them, shall be removed from the Prison in which they are confined to any other of His Majesty's Prisons or Penitentiaries within *England* and *Wales*, there to be imprisoned for and during their respective Terms of Imprisonment.

Where Term of Imprisonment expires on Sunday, Prisoner to be discharged on preceding Day.

XII. And be it enacted, That every Person confined in any Prison whose Term of Imprisonment would according to his or her Sentence have expired on any Lord's Day shall be entitled to his or her Discharge from such Prison on the *Saturday* next preceding such Lord's Day; and every Keeper, Governor, or other Officer of any Prison having the Custody of any such Prisoner as aforesaid is hereby authorized and required to discharge such Prisoner on the *Saturday* next preceding any such Lord's Day.

Power given by 4 & 5 W. 4. c. 36. to His Majesty to direct Persons sentenced to Imprisonment for Offences committed beyond Limits of that Act to be removed to Penitentiary, extended to Offences committed within the Limits.

XIII. ' And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining*, it was among other Things enacted, that it shall be lawful for His Majesty, by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who may be sentenced to Imprisonment by any Court or competent Authority for any Offence committed beyond the Limits of that Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment: And whereas it is expedient that the like Power should be given for directing Persons who shall be sentenced by any Court, or ordered by any competent Authority, to be imprisoned for Offences committed within the Limits of the said Act, no less than for Offences committed beyond the Limits of the said Act; be it therefore enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who shall be sentenced by any Court, or ordered by any competent Authority, subjecting such Person to hard Labour, to be imprisoned for any Offence committed within the Limits of the before-recited Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from



any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment.

XIV. And be it further enacted, That all Provisions and Regulations expressed and contained in any Act made for the Government of the General Penitentiary at *Milbank*, and all Powers given by such Act for the Confinement, Employment, and Management of Convicts confined therein, shall be applicable and made available in respect to all Persons removed to and confined in the said Penitentiary by virtue of this Act, and the Act before recited.

Powers contained in Penitentiary Acts extended to all Prisoners, &c.

XV. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the General Penitentiary for Convicts at Milbank*, it was among other Things enacted, that any Number of Convicts not exceeding Six hundred Male and Four hundred Female Convicts may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said Act and of a certain other Act therein recited: And whereas it is expedient that Power should be given to increase the Number of Male Convicts to be confined in the said Penitentiary; be it therefore enacted, That any Number of Male Convicts not exceeding Eight hundred may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said last-recited Act and a certain other Act therein recited.

800 Male Convicts may be confined in Penitentiary, instead of 600, as limited by 59G. 3. c. 136.

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

Act may be altered, &c.

### C A P. XXXIX.

An Act to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal thereof. [31st August 1835.]

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits*, certain additional Rates and Duties of Excise were granted and imposed on Excise Licences taken out by Retailers of Spirits: And whereas it is expedient to exempt from the Payment of such additional Rates and Duties such Retailers of Spirits as do not receive or consume more than Fifty Gallons of Spirits in the course of a Year: And whereas it is deemed unnecessary to continue the keeping Accounts by the Officers of Excise of the Stocks of Dealers in and Retailers of Foreign Wine, or the Survey by the Officers of Excise of such

4 & 5 W. 4. c. 75.

Assistant  
Comptroller.

sioners, or the Comptroller General or Assistant Comptroller acting under them, shall deem most convenient; and previous to the Issue of any such Certificates such respective Certificates shall be signed by the said Comptroller General or said Assistant Comptroller, and be countersigned by the Actuary or other Check Officer acting under the said Commissioners, and shall be entered in proper Books kept at the National Debt Office for that Purpose.

Comptroller  
General or  
Assistant  
Comptroller,  
and Officer of  
the Commis-  
sioners of the  
National Debt,  
may draw for  
Payment of  
Claim, or issue  
Certificates.

IV. And be it enacted, That upon Demand being made for the Payment of any Award for Compensation under the Provisions of the said Act the said Comptroller General or Assistant Comptroller, or other proper Officer of the said Commissioners, may draw upon the Cashiers of the Bank of *England*, on account of the *West India* Compensation, for the Payment of the Sum so demanded, together with the Interest due thereon, (save and except that Interest shall not be computed or allowed upon any fractional Part of a Pound Sterling,) or issue a Certificate or Certificates, made out and signed as herein-before directed, to the Person or Persons, or to his, her, or their Attorney or Attornies, Executors or Administrators, to whom any Sum shall be awarded for Compensation, of the like Amount as the Sum so awarded (the Fractions of a Penny excepted), for the Payment of and in full Satisfaction for the Sum of Money awarded to such Person or Persons respectively under the Provisions of the said Act; and the Principal Sum specified in such Certificate, together with the Interest due thereon, (save and except that Interest shall not be computed or allowed on any fractional Part of a Pound Sterling,) shall be payable at the Bank of *England* upon the Production of such Certificate or Certificates to the Cashiers of the said Bank; and the said Cashiers are hereby required, upon the Production of the same, to pay the Principal contained in such Certificate or Certificates accordingly, together with the Interest thereon, out of the Monies standing in the Names of the said Commissioners for the Reduction of the National Debt under the Title of "The *West India* Compensation Account" aforesaid, after which the said Certificates shall be cancelled by such Cashier or Cashiers, and delivered up to the said Commissioners.

Certificates may  
be received to-  
wards Payment  
of Instalments  
on the Loan.

V. Provided always, and be it enacted, That the Cashier or Cashiers of the Bank shall receive as Money from Time to Time from any Person or Persons any of the said Certificates which shall be presented to them in payment of the Whole or of any Part of any Instalment due from Time to Time upon the said Fifteen Millions; and in all such Cases the Interest which shall happen to be then due upon the said Certificate or Certificates presented to such Cashier or Cashiers at the Time of paying up any Instalment shall be added to the Principal Sum stated in such Certificate, and shall be received and accounted as one entire Sum.

The Interest of  
the Compensa-  
tion of Twenty  
Millions to be  
chargeable on  
Consoli-

VI. ' And whereas it is expedient to make Provision for the Payment of the Interest which will become payable in respect of the Sum of Twenty Millions of Pounds Sterling directed by the said recited Act to be paid to the Persons entitled to Compensation under the Provisions of the said Act; be it therefore enacted,

enacted, That the Interest upon the said Sum of Twenty Millions shall be after the Rate of Three Pounds Seven Shillings and Eight-pence *per Centum per Annum*, which Interest shall commence and be paid to such Person or Persons from the First Day of *August* One thousand eight hundred and thirty-four exclusive, up to and including the Day of the Payment of the Principal Sum awarded to such Person respectively, or up to and including the Date of the said Certificate or Certificates (in case a Certificate shall be issued to such Person or Persons in lieu of paying the Sum awarded in Money), as the Case may be, save and except that Interest shall not be computed or allowed upon any fractional Part of a Pound Sterling; and the said Interest shall be charged upon and payable out of the said Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and the said Comptroller General or Assistant Comptroller shall certify to the Lords of the Treasury the Sum required for the Payment of all such Interest; and upon Receipt of the said Certificate the said Lords or any Three or more of them shall thereupon, by Warrant under their Hands, cause the Sum mentioned in the said Certificate to be issued out of the said Consolidated Fund to the Governor and Company of the Bank of *England*, to be by them placed to the said Account of the Commissioners for the Reduction of the National Debt, on account of "*The West India Compensation*"; and the said Comptroller General or Assistant Comptroller, or other proper Officer of the said Commissioners, are hereby respectively authorized to draw upon the said Account from Time to Time for the Payment of the said Interest to the several Persons entitled thereto, or to his, her, or their respective Attorney or Attorneys, Executors or Administrators.

dated Fund  
from 1st Aug.  
1834.

VII. ' And whereas the Lords Commissioners of the Treasury are by the said recited Act authorized to cause to be advanced out of the said Sum of Twenty Millions all such Sums as may be necessary for the Payment of all Allowances, and defraying all other necessary Charges and Expences in and about the Execution of the Commission under the said recited Act; be it therefore enacted, That the said Lords of the Treasury or any Three or more of them, previously to the issuing out of the said Consolidated Fund the Sum required for the Payment of the Interest on the said Sum of Twenty Millions, may order and direct to be set apart therefrom the Sum required to defray the Expences attending the carrying into execution the Provisions of the said recited Act.

Expences of  
the Execution  
of the Act of  
3 & 4 W. 4. to  
be deducted out  
of the Interest.

VIII. ' And whereas it is enacted by the said recited Act, that no Part of the said Sum of Twenty Millions of Pounds Sterling shall be applied or shall be applicable to the Purposes aforesaid, for the Benefit of any Person now entitled to the Services of any Slave in any of the Colonies therein mentioned, unless an Order shall have been first made by His Majesty, with the Advice of His Privy Council, declaring that adequate and satisfactory Provision hath been made by Law in such Colony for giving effect to the said Act by such further and supplementary Enactments therein referred to, nor unless a Copy of such Order in Council, duly certified by One of the Clerks in Ordinary of His Majesty's Privy Council, shall by the Lord President of the Council have

Provision has  
not been made  
by Barbadoes  
as required by  
recited Act.

' been

Creation of a Fund to provide Compensation for Barbadoes when the Provisions of the Act have been complied with.

‘ been transmitted to the Lords Commissioners of His Majesty’s Treasury or to the Lord High Treasurer for the Time being, for their or his Guidance or Information : And whereas no Order of the King in Council has been made declaring that adequate and satisfactory Provision hath been made by Law in the Colony of *Barbadoes* for giving effect to the said recited Act by such further and supplementary Enactments as are specified in the said recited Act ;’ be it therefore enacted, That in order to provide for the Payments of the several Sums which may be awarded to the several Persons in the said Colony entitled to Compensation under the Provisions of the said Act, when and as soon as the Provisions of the said Act shall have been duly complied with as aforesaid, that immediately after the passing of this Act there shall be written in and placed to the Credit of the said Commissioners for the Reduction of the National Debt, in the Books of the said Bank, by the Accountant General for the Time being of the said Governor and Company, in a new and separate Account under the Title of “ The Compensation Account of the Colony of *Barbadoes*”, the Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence of Capital of Reduced Annuities, bearing Interest after the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, such Capital in the said Annuities being equivalent to the Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence Sterling, estimating the Price of such Three Pounds and Ten Shillings *per Centum per Annum* Annuities after the Rate of Ninety-nine Pounds Five Shillings Sterling for every One hundred Pounds of such Reduced Three Pounds Ten Shillings *per Centum per Annum* Annuities, such Price being the Average Price of the existing Reduced Three Pounds and Ten Shillings *per Centum per Annum* Bank Annuities on the Third Day of *August* One thousand eight hundred and thirty-five, being the Day on which the said Contract was entered into as aforesaid ; which Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence shall be added to and consolidated with and shall be deemed and taken as Part of and be subject to all the Conditions attending the Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities existing at the Time of the passing of this Act, forming Part of the Public Debt of the United Kingdom of *Great Britain and Ireland*, and shall be assignable and transferrable and redeemable accordingly ; and the Dividends and Charges of Management arising upon the said Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities shall be chargeable and the same are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, the first half-yearly Payment whereof shall commence from the Tenth Day of *October* One thousand eight hundred and thirty-five exclusive ; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *England*,

out of the Consolidated Fund of *Great Britain*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence, together with the Charges attending the same.

IX. And be it further enacted, That upon Application to the said Commissioners for the Reduction of the National Debt for the Payment of any Sum which shall hereafter be awarded to any Person or Persons in the said Colony of *Barbadoes* for Compensation under the Provisions of the said Act, when the Provision of the said recited Act shall have been complied with as aforesaid, the said Commissioners shall transfer or cause to be transferred from the said Account to the Person or Persons entitled to such Compensation such a proportionate Amount of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities, in satisfaction of the Sum awarded to such Person or Persons, as the whole Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence Sterling shall bear to the whole Capital of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities to be created under the Provisions of this Act.

X. And be it further enacted, That the several Payments which shall be made by the said Commissioners for the Reduction of the National Debt, under the Provisions of the said Act or of this Act, to the Persons entitled to Compensation, or to his, her, or their respective Attorney or Attornies, Executors or Administrators, shall be deemed to be a final Payment (and against which there shall be no Appeal) in full of all Demands of the Sum of Money so awarded, and shall be a Bar to and against any Claim which may hereafter be set up or attempted to be set up or made by any other Person or Persons whomsoever against the said Commissioners or any Officer or Officers of the said Commissioners to the Sum so awarded: Provided always, that nothing herein contained shall prevent or prejudice any Person or Persons from prosecuting such Claim against the Person or Persons to whom Payment shall have been made by the said Commissioners as aforesaid under the Provisions of this Act; and the said Commissioners and the said Comptroller General and Assistant Comptroller, or other proper Officer acting under the said Commissioners, and also the said Governor and Company and their Cashier or Cashiers, shall be and they are hereby severally indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act or Acts done or performed by them respectively in carrying into execution the Provisions of this Act or of the said recited Act.

XI. And be it further enacted, That the said Contract for raising the said Sum of Fifteen Millions, and all Receipts for Stock and Transfers of Stock, and all Certificates given or made under the Provisions of this Act, or issued by the Commissioners for the Reduction of the National Debt, or by the Comptroller General

Stock may be transferred for Payment of Claimants in Barbadoes.

Indemnity to Commissioners, &c.

Exemptions from Stamp Duties.

General or Assistant Comptroller, or by any other Officer of the said Commissioners, shall be exempted from Stamp Duty.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XII. And be it further enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole of or any Part or Parts of the Contributions towards the said Sum of Fifteen Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, Payer or Payers thereof, or of any Part or Parts thereof, or any Certificate or other Instrument to be issued by the Commissioners for the Reduction of the National Debt, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, Certificate or Certificates, Instrument or Instruments, with Intent to defraud the Governor and Company of the Bank of *England*, or the Commissioners for the Reduction of the National Debt, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

No Fee to be taken for receiving Contributions, or paying or transferring Annuities, on Penalty of 20*l*.

XIII. And be it further enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of His Majesty's Subjects for receiving or paying the said Subscription or Contribution Monies or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction, or Order of Restraint, or any more than One Impar lance, shall be granted or allowed.

For investing the Compensation Funds of litigated Claims.

XIV. And whereas certain Claims for Compensation under the Provisions of the said recited Act may be subject to Litigation before the Commissioners of Arbitration appointed thereunder, and also in the Courts of the several Colonies, and the final Settlement of such Claims may therefore be postponed to a distant Period: And whereas it is expedient to authorize the Commissioners for the Reduction of the National Debt to transfer the said Compensation Funds so under Litigation as herein-after mentioned; be it enacted, That in all such Cases it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt to pay over from Time to Time, if the Lords of the Treasury shall deem it expedient so to do, into the Bank of

*England* in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, in Trust for the Purposes herein-after mentioned, (any thing in any general Rules framed by the said Commissioners of Arbitration under any of the Clauses of the said recited Act to the contrary notwithstanding,) all such Sums of Money as shall from Time to Time be certified by the said Commissioners of Arbitration, according to the Provisions of the said Act, to be the Subject of any Suit in any of the said Courts of any of the said Colonies respectively, or of any Claim before the said Commissioners against which any counter Claim shall have been filed, without any special Order for that Purpose, or other Authority than this Act, and whether such Courts of Chancery or Exchequer respectively shall be sitting or not, and such Sums shall be carried to new Accounts in the Books of the said Bank of *England* under the Title of "The litigated *West India* Compensation Account of the Court of Chancery", or "The litigated *West India* Compensation Account of the Court of Exchequer", as the Case may be; and such Monies, when so paid in, shall be placed to the Account of the Number of the Claim as stated and specified in the said Certificate of the said Commissioners; and such Monies, and the half-yearly Dividends arising from the Investments thereof, and also the Dividends on all future Investments, as they arise and become due, shall be invested from Time to Time by the said Accountants General in their Names respectively, under the Authority of this Act, in Three *per Cent.* Consolidated Bank Annuities, to the said respective Accounts; and the said Bank Annuities purchased with the said Compensation Monies so invested as aforesaid, and the said Accumulations, shall be paid and transferred to the Person or Persons to whom the same shall be directed to be paid or transferred by any Adjudication or Award of the said Commissioners of Arbitration duly certified according to the Provisions of the said recited Act, or by the Decree, Order, or Judgment of the Court in the Colony made in the said Suit there depending, or any Court of Appeal; and a Copy of such Decree, Order, or Judgment of the Court in the Colony, or Court of Appeal, signed by the proper Officer of such Court, shall be sufficient Evidence of such Decree, Order, or Judgment to the Accountants General of the said Courts of Chancery or Exchequer: Provided always, that all Orders and Decrees made by any of the Courts in the said Colonies respectively, or the Courts of Appeal, or any Adjudication or Award of the said Commissioners of Arbitration duly certified according to the Provisions of the said Act, shall be valid and effectual for the Purpose of authorizing the Demand upon and Payment by the Accountants General respectively of the said Courts of Chancery and Exchequer of the Sums included in such Orders, Decrees, Adjudications, or Awards respectively.

XV. And be it further enacted, That the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer shall be and they are hereby severally and respectively indemnified and saved harmless from all or any Suit or Action at Law or in Equity, for any Act to be done or performed by them in carrying into execution the Provisions of this

Indemnification  
to Accountants  
General of  
Chancery and  
Exchequer.

this Act or in acting under the same, and shall not be held or taken to be responsible for or liable to make good any Payment of Money or Transfer of Bank Annuities erroneously made by them respectively, unless the same shall have been occasioned by the wilful Default or Negligence of the said Accountant General respectively.

Accountants  
General may  
appoint a  
Deputy, &c.

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

Persons sued  
may plead the  
General Issue.

XVII. And be it further enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

Treble Costs.

#### C A P. XLVI.

An Act to amend, until the End of the next Session of Parliament, an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in *Scotland*.

[31st August 1835.]

2 W. 4. c. 54.

‘ WHEREAS by an Act passed in the Second Year of the  
‘ Reign of His present Majesty, intituled *An Act for*  
‘ *making Provision for the Dispatch of the Business now done by the*  
‘ *Court of Exchequer in Scotland*, it is amongst other Things  
‘ enacted, that if at any Time after the passing of the said Act  
‘ the Number of the Barons of the said Court shall be reduced,  
‘ or after the Retirement or Decease of the last remaining Baron,  
‘ then and in such Case it shall and may be lawful during the  
‘ Indisposition or Absence of the Baron and Barons of such Court  
‘ to which the same shall be reduced, or of the Judge of the  
‘ Court of Session to be appointed to try the Suits and Causes in  
‘ the said Court, to and for the Judge of the Court of Session,  
‘ officiating as Lord Ordinary upon the Bills for the Time being,  
‘ to grant Warrant for the issuing of all Commissions to find  
‘ Debts, and Fiats for the issuing of all Writs and Extents, and  
‘ other Process issuable out of the said Court of Exchequer, and  
‘ also to revise such Signatures for the granting of Crown Char-  
‘ ters as may be of an urgent Nature and require Dispatch, in like  
‘ Manner and to as full Force and Effect as the Lord Chief Baron  
‘ or other Barons of the said Court are by Law authorized to do :  
‘ And



‘ And whereas the Lord Chief Baron and One of the Barons of the said Court of Exchequer have retired since the passing of the said Act, and the Powers and Duties of the said Court of Exchequer are now discharged by the sole remaining Baron of the said Court: And whereas, in consequence of the continued Indisposition of the said sole remaining Baron, it has become expedient to provide more effectually for the proper Dispatch of the Business of the said Court of Exchequer:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Time after the passing of this Act it shall and may be lawful, during the Indisposition or unavoidable Absence of the said sole remaining Baron of the Court of Exchequer, or of the Judge of the Court of Session, to be appointed to try the Suits and Causes in the said Court, and perform the other Duties thereof in the said recited Act mentioned, to and for the Judge of the Court of Session officiating as Lord Ordinary upon the Bills for the Time being to try all Suits and Causes in the said Court of Exchequer, either in Term or out of Term, as he shall appoint, to grant Warrant for the issuing of all Commissions to find Debts, and Fiats for the issuing of all Writs of Extent and other Process issuable out of the said Court of Exchequer, and to revise, compound, and pass Signatures for the granting of Crown Charters, and generally to perform all the Powers and Duties of the said Court of Exchequer, as fully and effectually as the Lord Chief Baron, Barons, and sole remaining Baron of the said Court were and are by Law authorized to do; any thing in the said recited Act to the contrary notwithstanding.

In case of Indisposition of remaining Baron of Court of Exchequer, Judge of Court of Session to try Suits in the Exchequer Court.

II. And be it further enacted, That this Act shall continue in force until the End of the next Session of Parliament.

Duration of Act.

### C A P. XLVII.

An Act to repeal so much of an Act passed in the Third and Fourth Years of His present Majesty as relates to the Amount of the Salary granted to the Clerk of the Crown in Chancery; and to make other Provisions in relation to the said Office. [31st August 1835.]

‘ **W**HEREAS by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to provide for the Performance of the Duties of certain Offices connected with the Court of Chancery which have been abolished*, the Salary of the Clerk of the Crown in Chancery was fixed at Eight hundred Pounds *per Annum*, in full Satisfaction for the Duties of the said Office, and of all Expences incident to the Performance thereof: And whereas the Expences of the said Office vary, and in some Years may be so great as to leave a very inadequate Sum for the Salary of the Clerk of the Crown; and it is expedient to make Provision for securing to that Officer a proper Remuneration for the responsible Duties performed by him, and for the Payment of the reasonable and necessary

3 & 4 W. 4. c. 84.

Repealing so much of recited Act as grants a Salary of 800*l.* to the Clerk of the Crown, and granting a clear Salary of 500*l.* in lieu thereof.

The Treasury may allow the Expences of the Office of the Clerk of the Crown, and direct the same to be paid out of the Fees.

Treasury may vary the Allowance for Expences.

Salary and Sum allowed for Expences to commence and be payable from the 15th November 1834, and be paid quarterly.

The Treasury of the Lord

‘ necessary Expences of his Office :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act by which the yearly Salary of Eight hundred Pounds is granted to the Clerk of the Crown in Chancery, in full Satisfaction for the Duties of the said Office, and of all Expences incident to the Performance thereof, 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 for the Time being the yearly Salary of Five hundred Pounds, free and clear from all Deductions on account of the Expences incident to the Performance of the Duties of the said Office ; and the said Salary of Five hundred Pounds shall be issued and payable out of and be charged and chargeable upon the same Fund as the before-mentioned yearly Salary of Eight hundred Pounds was directed to be issued out of and made chargeable upon by the said recited Act.

II. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty’s Treasury, for the Time being, and he and they is and are hereby required, by Warrant under his or their Hands, to allow to the said Clerk of the Crown, for his Clerks, and for the other incidental and necessary Expences of his Office, such Sum *per Annum* as he or they shall deem reasonable and proper ; and the Sum so allowed as aforesaid shall be paid and payable out of and be charged and chargeable upon the Fees and Emoluments taken and received in the Office of the said Clerk of the Crown ; and the Residue only of the said Fees and Emoluments, after Payment of the said Expences, shall be paid and payable into the Receipt of His Majesty’s Exchequer, and be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any thing in the said recited Act to the contrary notwithstanding.

III. Provided always, and be it further enacted, That it shall be lawful for the said Lord High Treasurer, or any Three or more of the Commissioners of His Majesty’s Treasury, from Time to Time to reduce or increase the Amount to be allowed to the said Clerk of the Crown for such Expences of his Office as Occasion may be or require.

IV. And be it further enacted, That the said yearly Salary of Five hundred Pounds hereby granted to the Clerk of the Crown in Chancery, together with such annual Sum as shall be allowed by the said Lord High Treasurer or Commissioners of His Majesty’s Treasury for the Clerks and other incidental Expences of the said Office as aforesaid, shall commence on and be payable from the Fifteenth Day of *November* One thousand eight hundred and thirty-four, when the present Clerk of the Crown was appointed, and shall from Time to Time be paid and payable, charged and chargeable quarterly on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in each Year.

V. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer, or any Three or more of the Commissioners

missioners of His Majesty's Treasury, together with the Lord Chancellor, or the Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, whenever it shall appear to them expedient so to do, to alter and vary the Scale of Fees to be demanded and taken by the Clerk of the Crown in Chancery; and such Scale of Fees, when so altered and settled, shall be deemed to be the lawful Fees appertaining and belonging to the Office of the Clerk of the Crown, and shall and may be demanded and taken accordingly; and the whole of the Fees and Emoluments which have been received by the present Clerk of the Crown since the Date of his Appointment, and which may hereafter be received in the said Office, shall be accounted for by the said present Clerk of the Crown, and by his Successors, to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, at such Times and in such Form and Manner as he or they shall think fit to direct; and the Amount of such Fees and Emoluments after deducting from and paying thereout the necessary Expences of the said Office so sanctioned and allowed as aforesaid, shall be paid by the Clerk of the Crown for the Time being into the Receipt of His Majesty's Exchequer within Ten Days, from the Time of rendering the Account thereof as aforesaid; and such Amount shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Chancellor may alter and vary Fees whenever it is expedient.

Fees to be accounted for as the Treasury may direct.

### C A P. XLVIII.

An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland*.

[31st August 1835.]

‘ **W**HEREAS heinous and systematic Outrages and Disturbances of the Peace have from Time to Time prevailed in several Parts of *Ireland*, and it is expedient to provide for the speedy and effectual Prosecution and Suppression of such Offences; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Lieutenant of *Ireland*, by and with the Concurrence of His Majesty's Privy Council in *Ireland*, from Time to Time, as Occasion shall require, to order and direct that an Extraordinary Court of General Sessions of the Peace shall be holden in and for any County in *Ireland*, at such Place or Places therein, and at such Time or Times, as such Lord Lieutenant and Council may deem proper; and such Lord Lieutenant shall thereupon nominate and appoint One of His Majesty's Serjeants or Counsel to preside at any such Sessions or any Adjournment thereof, and act as Chairman thereof; and such Serjeant or Counsel, so long as he shall continue to hold the said Office, shall, without further Appointment or Commission, have all the Powers of a Justice of the Peace, and be to all Intents and Purposes a Justice of the Peace in, of, and for the County in which such Extraordinary Court of Sessions of the Peace shall be holden, and shall receive such Sum, not exceeding Ten

Lord Lieutenant in Council may order an Extraordinary Court of General Sessions to be holden for any County in *Ireland*.

Guineas for each Day during which he shall be so engaged, as to such Lord Lieutenant shall seem fit.

Such Court to have Powers of any Court of Oyer and Terminer, &c.

II. And be it enacted, That each such Court shall have and exercise all Rights, Powers, Jurisdictions, Privileges, Authorities, Functions, and Capacities appertaining, incident, or belonging to any Court of Oyer and Terminer and General Gaol Delivery, 'or to any Court of General Quarter Sessions of the Peace, provided that no Person shall be indicted or tried before such Court for any Offence rendering the Person convicted thereof liable to the Punishment of Death; and that every Justice of the Peace, Coroner, Clerk of the Crown, and Clerk of the Peace, and other Person who may have any Recognizance, Information, Inquisition, Examination, Deposition, or other Document which would have been returnable to the next Court of Oyer and Terminer and General Gaol Delivery or General or Quarter Sessions for the same County, shall return the same to the said Extraordinary Court holden in pursuance of such Order and Direction, if relating to any Offence or Matter cognizable by such Court; and that all Sheriffs, Clerks of the Crown and of the Peace, Constables, and other Officers, bound to attend at any Sessions of the Peace or Assizes, shall be in like Manner bound to attend at such Courts to be holden under the Provisions of this Act, and obey the Orders thereof.

Sheriffs and other Officers bound to attend it.

Prosecutors, Offenders, Witnesses, &c. shall be bound to attend thereat on receiving a written Notice to that Effect.

III. And be it enacted, That all Prosecutors, Traversers, Offenders, Witnesses, and others, who shall be bound by Recognizance or otherwise to appear at any ordinary Sessions of the Peace or Assizes, or other Court of Criminal Jurisdiction for such County, shall, upon being duly served Ten Days previous to the holding of such Extraordinary Court of Sessions with a Notice or Summons on behalf of His Majesty, either personally, or by leaving the same at his, her, or their usual or last Place of Abode, attend at such Extraordinary Court of Sessions, and prosecute, abide Trial, appear, or give Evidence at the same, in like Manner as any such Person would be bound to do at any Court specified in any such Recognizance, or at which such Person would be otherwise bound to appear; and in case of Default of any such Person in that Behalf, such Person, and every Surety for him, shall be liable as for a Breach of such Recognizances in like Manner as if the Condition thereof had been violated by a like Default with respect to the Court specified therein; but if the Person bound in such Recognizance shall appear at such Extraordinary Court to be holden under this Act, and shall prosecute, abide Trial, give Evidence, or be ready to give Evidence before the Grand Jury and upon the Trial, as the Case may be, then the said Recognizances shall be discharged in like Manner as if the Condition thereof had been fulfilled according to the Terms thereof.

Notice to be given by the Clerk of the Peace of the Time and Place for holding such Court.

IV. Provided always, and be it enacted, That the Clerk of the Peace for the County in which any such Extraordinary Court of Sessions shall be directed to be holden under the Authority of this Act shall cause the Time and Place appointed for holding the same to be notified in the usual Manner of notifying the holding of General or Quarter Sessions, or Adjournments thereof, or otherwise as the said Lord Lieutenant shall direct; and that

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the necessary and proper Expences to be thereby incurred shall be raised by Presentment of the Grand Jury at the Assizes of the County, in like Manner as the other Expences incurred in the Discharge of the necessary and accustomed Duties of such Clerk of the Peace are defrayed.

V. And be it enacted, That each such Extraordinary Court of Sessions shall continue to sit, and shall adjourn from Time to Time and Place to Place as Convenience may require, until such Day as shall be specified for the Termination thereof in and by a like Order to be made by the said Lord Lieutenant of *Ireland* in Council; and that for the Purposes of each such Session, and during the Continuance thereof, such Precepts, Writs, Warrants, Processes, and other Means for enforcing the Attendance thereat of Grand Jurors, Petty Jurors, Witnesses, Traversers, Offenders, and other Persons, shall and may be issued and returned, and Juries impanelled, in like Manner as in ordinary Cases of proceeding at any Court of Criminal Jurisdiction: Provided always, that the Names of the Persons returned to serve on the Grand Jury at any such Session shall be taken from the "Special Jurors List" of such County.

Court may adjourn from Time to Time and Place to Place, &c. as fixed by Order of Lord Lieutenant in Council.

Grand Jury.

VI. And be it enacted, That no Traverse in *prox.* shall be received or allowed at any such Court, but that every Person charged with any Offence thereat shall plead forthwith, and the Trial be directly proceeded upon, unless the Court shall, upon sufficient Matter disclosed by Affidavit, think fit in its Discretion to postpone such Trial according to the Course of any Court of Oyer and Terminer, General Gaol Delivery, or General or Quarter Sessions, either to any subsequent Sitting or Adjournment of such Extraordinary Court, or to any other Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace, or Adjournment thereof, for the same County.

Offenders to be tried forthwith, unless Court shall otherwise order.

VII. And be it enacted, That no Proceeding of or at any Extraordinary Court of General Sessions holden under the Authority of this Act shall, before Trial and Judgment, be removed into His Majesty's Court of King's Bench by Writ of Certiorari or otherwise.

Proceedings not to be removed by Certiorari, &c.

VIII. And be it enacted, That any Person not duly authorized by Law to keep Fire-arms who shall be found, between Sunset and Sunrise, with Fire-arms or other offensive Weapons in his Possession, in any Place save his own Dwelling House, or any Person not duly authorized by Law to keep Fire-arms who shall be found, at any Hour of the Day or Night, with any loaded or concealed Fire-arms or offensive Weapon, within any County in which any Court holden under this Act shall be then acting, shall be deemed to be guilty of a Misdemeanor.

Carrying or concealing Fire-arms in certain Cases to be deemed a Misdemeanor.

IX. And whereas Infractions of the Law and Violations of the Public Peace are frequently contrived and committed by nocturnal Assemblies of disorderly Persons, and it is desirable to provide under proper Regulations some Check to such Meetings: be it therefore enacted, That if the Grand Jury impanelled at any such Sessions to be holden under this Act shall make a Presentment to the Court that a Necessity exists for taking Measures to suppress nocturnal Meetings, such Presentment

Lord Lieutenant, on Presentment of Grand Jury, may direct such Court to issue a Notice enjoining the Inhabitants of Places therein

specified to remain within their Habitations at Night.

mentment shall be transmitted by the Chairman to the said Lord Lieutenant, together with the Opinion of the Court thereon; and it shall and may be thereupon lawful for the said Lord Lieutenant, with the Advice of His Majesty's Privy Council, to authorize and direct such Court to issue a Notice, enjoining the Inhabitants of such County, or any Part thereof, or of any adjacent County to be specified therein, to be and remain within their respective Lodgings and Habitations at all Hours between One Hour after Sunset and Sunrise, from and after such Day as shall be named and specified therein for that Purpose, and warning them that all Persons who may be found abroad or absent from their respective Habitations during such Hours, save upon some lawful and proper Occasion, will be liable to be punished as guilty of an Offence under the Provisions of this Act; and such Notice shall be printed and posted on some conspicuous Place in each Town and Village within each Barony or Half Barony of such County, or if the same be a County of a City or Town, on the principal Places for posting Notices within the same.

Any Person found abroad in the Night after such Notice, in any Place specified therein, shall be deemed guilty of a Misdemeanor.

X. And be it enacted, That any Male Person who shall be between One Hour after Sunset and Sunrise, at any Time after the Day specified in any such Notice, abroad in any Field, Road, or elsewhere out of his Habitation or Lodging, within any County or District specified in such Notice, save upon some lawful and proper Occasion, shall be deemed to be guilty of a Misdemeanor; and that any Magistrate or Constable of Police who shall find any Person so abroad, within such Hours and within such County or District, shall, at his Discretion, have Power and Authority to apprehend such Person; and he shall be committed and detained until Trial, unless held to Bail by some Person thereto authorized.

After the Day named in such Notice, Court may authorize by Warrant domiciliary Visits in Places therein specified, &c.

XI. And be it enacted, That at any Time after the Day named and specified in such Notice it shall be lawful for the Court at any such Session to issue a Warrant, signed by the Chairman thereof, and countersigned by the Clerk of the Peace, and directed to One or more Magistrate or Magistrates, Chief Constable or Chief Constables of Police, authorizing him or them, at any Time from One Hour after Sunset until Sunrise, to demand and require that any or every Person being an Inhabitant or Inmate of any House or Building within the County or District specified in such Notice shall come forth and show himself or themselves; and if any such Person shall not so come forth and show himself within Ten Minutes after he shall be so required he shall be deemed to be then absent, and shall be certified in Writing to be so to the said Court by the Person or Persons by whom he may have been so required to appear; and every Owner of any House within such District shall, within Twenty-four Hours after he shall have been required by any Magistrate or Chief Constable so to do, deliver to such Magistrate or Chief Constable a List of the Names of every Inmate or Inhabitant in his House; and every such Owner who shall neglect or refuse so to do shall forfeit for every such Neglect or Refusal a Sum not exceeding Ten Shillings, on Conviction before a Magistrate in a summary Manner for such Neglect or Refusal, and in default of Payment,

on Demand, of the Sum so forfeited, may be imprisoned for any Term not exceeding One Week; and the Amount of the Sum so forfeited shall and may be levied by a Sale of his Goods and Chattels in case he shall not suffer such Imprisonment.

XII. Provided always, and be it enacted, That no such Warrant as aforesaid shall be executed or proceeded upon in any County out of the ordinary Jurisdiction of such Court, unless the same shall be endorsed by One or more of the Magistrates of such adjacent County.

XIII. And be it enacted, That it shall be lawful for the Court to which such Certificate shall be returned to summon and require all Persons thereby certified to have been absent from their respective Dwellings to appear before such Court, and for such Court to examine such Persons or any other Person who may be produced before them upon Oath as to such Absence and the Cause thereof; and if it shall be proved that any such Person was duly required to appear by the Person or Persons so authorized as aforesaid, and if any such Person so summoned shall not appear before such Court, or if, upon such Examination, the Non-compliance of such Person with the Demand of the Person or Persons so authorized as aforesaid shall not be explained to the Satisfaction of such Court, or if it shall appear to such Court that such Person was so absent from his Dwelling as aforesaid without some lawful and proper Cause or Occasion, such Person shall be deemed to be guilty of an Offence within this Act, and the Court shall have Power to convict him summarily thereof, and, in case of a First Offence, to commit him to such Place of Confinement within the County as such Court shall think proper for any Period not exceeding One Month, or to impose upon him a Fine not exceeding One Pound, or both, and for any subsequent Offence to award a like Imprisonment for a Period not exceeding Three Months, or to impose a Fine not exceeding Five Pounds, or both, and also to order that the Party convicted shall give Security for his good Behaviour for Twelve Calendar Months, or in default thereof be liable to an additional Imprisonment for any Term not exceeding One Month.

XIV. And be it enacted, That any Person who shall knowingly give false Information to any Person authorized by such Warrant, or shall obstruct any Person acting thereunder in the Execution thereof, after Notification of the Object and Nature thereof, shall be deemed to be guilty of a Misdemeanor.

XV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant of *Ireland*, by his Warrant, to direct to be issued, out of the Produce of the Consolidated Fund arising in *Ireland*, such Sums of Money as may be necessary for the Remuneration of any of His Majesty's Serjeants or Counsel appointed under the Authority of this Act; and that on the Production to the Grand Jury at the Assizes of any County of the Certificate of the Chief or Under Secretary of the said Lieutenant of the Amount of the Money so advanced and issued in respect of the Remuneration of such Serjeant or Counsel so employed within the same County, such Grand Jury shall present the same to be levied off the County at large, and such Money, when levied, shall be paid to the Collector of Excise of the District within

As to the Execution of such Warrants.

Court may summon and examine on Oath Persons certified to have been absent from their Dwellings, and may imprison and fine any Person convicted thereof who cannot satisfactorily account for the same.

Giving false Information, &c.

Sums may be advanced for Remuneration of Chairman, &c. out of Consolidated Fund; such Advances to be repaid by Grand Jury Presentment.

which such County may be situate, to be by him accounted for in like Manner as other Public Monies.

Construction of  
Terms.

XVI. And be it enacted, That in the Interpretation 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 Word "County" shall extend to and include any Riding, or County of a City, or County of a Town, or City and County; and every Word importing the Singular Number 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 shall extend and be applied to a Female as well as to a Male; save and except where, in the Use of any such Expression as aforesaid, the Nature of the Provision or the Context shall exclude such Construction.

Duration of  
Act.

XVII. And be it enacted, That this Act shall continue and be in force for Five Years from and after the passing thereof, and no longer; and may be altered or repealed during this present Session of Parliament.

### C A P. XLIX.

An Act for continuing, until the First Day of *June* One thousand eight hundred and thirty-seven, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six or with the next Session of Parliament. [31st *August* 1835.]

### C A P. L.

An Act to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*.

[31st *August* 1833.]

WHEREAS it is expedient to amend the Laws relating to Highways in that Part of *Great Britain* called *England*, and to consolidate the same in One Act, and to make other Provisions respecting Highways: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Sixth Year of the Reign of King *George* the First, intituled *An Act for preventing the Carriage of excessive Loads of Meal, Malt, Bricks, and Coals within Ten Miles of the Cities of London and Westminster*, as relates to the Carriage of Bricks, except so far as the same relates to the City of *London*; and also an Act passed in the Eighteenth Year of the Reign of King *George* the Second, intituled *An Act to repeal a Clause made in the Third Year of the Reign of King William and Queen Mary, relating to Carts used by Persons inhabiting within the Limits of the Weekly Bills of Mortality, and to allow such Carts to be drawn with Three Horses, and to prevent the Misbehaviour of the Drivers of Carts in Streets within the said Limits*, except so far as the same relates to the City of *London*; and also so much of an Act passed in the Twenty-fourth Year

Repeal of  
6 G. 1. c. 6. in  
part, except as  
to *London*;

18 G. 2. c. 33.  
except as to  
*London*;



Year of the Reign of King George the Second, intituled *An Act for the more effectual Preservation of the Turnpike Roads in that Part of Great Britain called England, and for the Disposition of Penalties given by Acts of Parliament relating to the Highways in that Part of Great Britain called England, and for enforcing the Recovery thereof; and for the more effectual preventing the Mischief occasioned by the Drivers riding upon Carts, Drays, Carrs, and Waggon's in the City of London and within Ten Miles thereof*, as relates to the preventing Mischief occasioned by the Drivers riding upon Carts, Drays, Carrs, and Waggon's in the City of London or within Ten Miles thereof, except so far as the same relates to the City of London; and also an Act passed in the Thirtieth Year of the Reign of King George the Second, intituled *An Act to explain and amend an Act made in the Eighteenth Year of His present Majesty's Reign, to prevent the Misbehaviour of the Drivers of Carts in the Streets in London, Westminster, and the Limits of the Weekly Bills of Mortality, and for other Purposes in this Act mentioned*, except so far as the same relates to the City of London; and also an Act passed in the Thirteenth Year of the Reign of King George the Third, intituled *An Act to explain, amend, and reduce into One Act of Parliament the Statutes now in being for the Amendment and Preservation of the public Highways within that Part of Great Britain called England, and for other Purposes*; and also an Act passed in the Thirty-fourth Year of the Reign of King George the Third, intituled *An Act for the more effectually repairing of such Parts of the Highways of this Kingdom as are to be repaired by Two Parishes*; and also an Act passed in the same Thirty-fourth Year of the Reign of George the Third, intituled *An Act for varying some of the Provisions in an Act of the Thirteenth Year of His present Majesty's Reign, respecting the public Highways within that Part of Great Britain called England, which relate to the Performance of Statute Duty*; 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 amending the Laws relating to the Militia in England, and for augmenting the Militia*, as relates to the Exemption of any Serjeant, Corporal, Drummer, or Private of the Militia from performing Highway Duty, commonly called Statute Duty; and also an Act passed in the Forty-fourth Year of the Reign of King George the Third, intituled *An Act to alter and amend so much of an Act passed in the Thirty-fourth Year of His present Majesty as relates to the Amount of the Sums to be paid by Persons compounding for the Performance of Statute Duty*; and also an Act passed in the Fifty-fourth Year of the Reign of King George the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, to explain, amend, and reduce into One Act the Statutes now in force for the Amendment and Preservation of the public Highways within England, and for other Purposes*; and also an Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stop-*

24 G. 2. c. 43.  
in part, except  
as to London;

30 G. 2. c. 22.  
except as to  
London;

19 G. 3. c. 78.

34 G. 3. c. 64.

34 G. 3. c. 74.

Part of  
42 G. 3. c. 90.

44 G. 3. c. 52.

54 G. 3. c. 109.

and  
55 G. 3. c. 68.

*ping up of unnecessary Roads*; shall be and the same are hereby repealed.

Not to revive repealed Acts.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to revive or give any Force or Effect to any Act repealed by the said recited Acts or any of them, but such Acts shall be and continue repealed in such and the like Manner as if this Act had not been made.

As to the Recovery of Penalties incurred for Offences against Acts repealed.

III. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to interfere with any Acts done or Contracts or Agreements heretofore made under the Authority of any of the said recited Acts, or to extend to prevent the suing for or Recovery of any Penalty incurred by any Offence committed against the Provisions of the said recited Acts or any of them previous to the Repeal of the said Acts in and by this Act, or to prevent or defeat any Prosecution commenced or to be brought for such Offence; but all Penalties and Forfeitures incurred may be sued for and recovered, and all Contracts and Agreements may be enforced, and all Encroachments, Nuisances, and other Offences made or committed, previous to the Repeal of the said Acts, against the Provisions of the said Acts or any of them, may be abated or prosecuted by the Surveyor appointed under this Act, in the same Manner to all Intents and Purposes as if this Act had not been passed.

Present Surveyor to continue, &c.

IV. Provided always, and be it further enacted, That the Surveyor appointed under the Authority of any of the said recited Acts shall continue to act, and shall have the same Powers, Authorities, and be subject to the Discharge of the same Duty, and be liable to the same Penalties, as the Surveyor to be appointed under the Authority of this Act, until such Appointment shall have been made.

Interpretation Clause.

V. And be it further enacted, That in the Construction of this Act the Word "Surveyor" shall be understood to mean Surveyor of the Highways, or Waywarden; the Word "Parish" shall be construed to include Parish, Township, Tithing, Rape, Vill, Wapentake, Division, City, Borough, Liberty, Market Town, Franchise, Hamlet, Precinct, Chapelry, or any other Place or District maintaining its own Highways; and wherever any thing in this Act is prescribed to be done by the Inhabitants of any Parish in Vestry assembled, the same shall be construed to extend to any Meeting of Inhabitants contributing to the Highway Rates in Places where there shall be no Vestry Meeting, provided the same Notice shall have been given of the said Meeting as would be required by Law for the assembling of a Meeting in Vestry; and that the Word "Highways" shall be understood to mean all Roads, Bridges (not being County Bridges), Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, and Pavements; and that the Word "Justices" shall be understood to mean Justices of the Peace for the County, Riding, Division, Shire, City, Town, Borough, Liberty, or Place in which the Highway may be situate or in which the Offence may be committed; and that the Word "Church" shall be understood to include Chapel; and that the Word "Division" shall be understood

stood to include Limit; and that the Word "Owner" shall be understood to include Occupier; and "Inhabitant" to include any Person rated to the Highway Rate; and the Words "Petty Session" or "Petty Sessions" to mean the Petty Session or Petty Sessions held for the Division or Place; and wherever in this Act, in describing or referring to any Person or Party, Animal, Matter, or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as One Person or Party, and Females as well as Males, and several Animals, Matters, or Things as well as One Animal, Matter, or Thing, respectively, unless there be something in the Subject or Context repugnant to such Construction; and all the Powers hereby given to, and Notices, Matters, and Things required for, and Duties, Liabilities, and Forfeitures imposed on, Surveyors, shall be applicable to all Persons, Bodies Politic or Corporate, liable to the Repair of any Highway.

VI. And be it further enacted, That the Inhabitants of every Parish maintaining its own Highways, at their First Meeting in Vestry for the Nomination of Overseers of the Poor in every Year, shall proceed to the Election of One or more Persons to serve the Office of Surveyor in the said Parish for the Year then next ensuing: Provided always, that any outgoing Surveyor shall continue to act until his Successor shall be appointed, and shall be re-eligible, and may be re-elected, and shall in such Case continue to act and remain in Office, any thing herein contained to the contrary notwithstanding; and in such Case Notice of such Election shall be given by the Chairman to the Person elected and to the outgoing Surveyor: Provided always, that in any Parish where there is no Meeting in the Year for the Nomination of Overseers of the Poor, the Inhabitants contributing to the Highway Rate shall meet at their usual Place of public Meeting upon the Twenty-fifth Day of *March*, or if that should happen to be a *Sunday* or *Good Friday*, then on the Day next following, or within Fourteen Days next after the said Twenty-fifth Day of *March* in every Year, to elect One or more Persons to serve the Office of Surveyor for the said Parish; which Surveyor shall repair and keep in repair the several Highways in the said Parish for which he is appointed, and which are now or hereafter may become liable to be repaired by the said Parish.

VII. And be it further enacted, That any Person living within the Parish or any adjoining Parish, and having an Estate in Houses, Lands, Tenements, or Hereditaments lying within such Parish, in his own Right or in Right of his Wife, of the Value of Ten Pounds by the Year, or a Personal Estate of the Value of One hundred Pounds (such Person not living within the Parish being willing to serve the Office), or being an Occupier or Tenant of Houses, Lands, Tenements, or Hereditaments (whether resident within the Parish or within any adjoining Parish) of the yearly Value of Twenty Pounds, shall be eligible to be elected a Surveyor for the Purposes of this Act: Provided nevertheless, that no Person who is now exempted by Law from serving the Office of Overseer of the Poor shall be compellable to serve the Office of Surveyor: Provided also, that any Person who may be chosen and

Surveyor to be elected annually.

May be re-elected.

Qualification of Surveyor.

and elected to serve the said Office of Surveyor may provide a sufficient Deputy, such Deputy to be approved of by the Justices at a Special Sessions for the Highways, who shall by Writing under their Hands testify their Consent thereto.

Penalty on Surveyor not acting when chosen.

VIII. And be it further enacted, That if any Person who shall be so chosen and elected, and who is not exempt as aforesaid from serving the said Office, shall refuse or neglect to take upon himself the Office of Surveyor, or to provide a sufficient Deputy, to be approved of as aforesaid, he shall forfeit, on Conviction before any Two Justices, any Sum not exceeding Twenty Pounds, unless he can show to the said Justices good and sufficient Cause why he should not be called upon to serve the said Office: Provided also, that every Deputy so provided and approved of shall have the same Powers and Authorities, and be subject to the Discharge of the same Duty, and be liable to the same Penalties as any Surveyor appointed under the Authority of this Act.

Surveyor may be appointed with a Salary.

IX. And be it further enacted, That, instead of electing such Surveyor as herein-before mentioned, it shall be lawful for the Majority of the Inhabitants so assembled as aforesaid in any Parish for the Election of Surveyors as aforesaid to nominate and elect any One Person of Skill and Experience to serve the said Office of Surveyor of such Parish, and to fix such Salary for the Execution of such Office as they shall think fit; which said Appointment shall be in Writing on Paper without Stamp, and signed by the Chairman of such Meeting; and such Surveyor, when so appointed, shall be invested with the same Powers, and subject to the same Duties, Forfeitures, and Penalties as any Surveyor appointed under the Authority of this Act would have been; and such Salary shall be paid out of the Money raised under the Authority of this Act, at such Times and in such Manner as shall have been agreed upon between the Inhabitants so assembled as aforesaid and the Person so nominated and elected as aforesaid: Provided nevertheless, that if such Surveyor shall cease to act, and be dismissed in the Manner herein-after described, such Salary shall also in like Manner cease and determine.

Surveyor to name Successor.

X. And be it further enacted, That the Surveyor or Surveyors, at the Time of passing his or their Accounts as herein mentioned, shall deliver to the Justices a Statement in Writing of the Name and Residence of the Person appointed to succeed him or them as Surveyor or Surveyors.

Power to Justices in certain Cases to appoint a Surveyor.

XI. And be it further enacted, That in case it shall appear on Oath to the Justices at a Special Sessions for the Highways that the Inhabitants of any Parish have neglected or refused to nominate and elect a Surveyor or Surveyors in manner and for the Purposes aforesaid, or that the outgoing Surveyor, except he had been directed by the Inhabitants so to do, has delivered no Statement of the Name and Residence of his or their Successor or Successors, or that the Surveyor is dead, or has ceased to possess the Qualification, or is or has become disqualified in any Manner herein mentioned, or that he has neglected to act, or refused to carry into operation the Duties imposed upon him by this Act, it shall and may be lawful for such Justices, and they

are hereby authorized and required, by Writing under their Hands, at their next succeeding Special Sessions for the Highways to dismiss such Surveyor so neglecting to act or refusing to carry into operation the Duties imposed upon him by this Act, and to appoint any Person whom they may think fit to be a Surveyor for such Parish till the Annual Meeting then next ensuing for the Nomination of Overseers or for the Election of Surveyors as aforesaid, and with or without such Salary, as to the said Justices shall seem fit and proper; and the said Surveyor, when so appointed, shall be invested with the same Powers, and be subject to the same Duties, Forfeitures, and Penalties as any Surveyor elected by the Inhabitants of any Parish as aforesaid would have been.

XII. And be it further enacted, That when a Parish is situated in more than One County, Division, or Liberty, the Surveyor so to be appointed as last aforesaid shall be appointed by the Justices at a Special Sessions for the Highways assembled in that County, Division, or Liberty in which the Church of the said Parish shall be situate.

When Parish is situate in more than One County.

XIII. And whereas it is expedient that in many Cases Parishes should be formed into Districts for the Purpose of having One sufficient Person to be the District Surveyor, who should have the Superintendence and Management of the Funds to be raised and levied under the Provisions of this Act in each Parish forming Part of such District; be it therefore enacted, That it shall and may be lawful for the Inhabitants of any Parish in Vestry assembled, if they shall think fit, to empower and direct One of the Churchwardens of such Parish, or the Chairman of the said Vestry, to make Application to the Justices assembled at the Quarter Sessions for the County, or, where the Parishes to be united shall be situated in the same Division, at some Special Sessions for the Division in which such Parish shall be situate, for the Purpose of being united with One or more Parishes to form a District for the Purposes aforesaid, and at the same Time to nominate One fit and proper Person to be returned to the said Justices to be appointed as such District Surveyor, together with the Amount of the yearly Salary which the said Inhabitants in such Vestry assembled shall agree to pay to such District Surveyor; which Application, with the Name of such last-mentioned Person, shall be forthwith made in Writing, signed by the Churchwardens of the said Parish, or by the Chairman of the said Vestry as aforesaid, and forwarded to the Clerk of the Peace in and for the said County, or to the Clerk of the Justices in and for the said Division, as the Case may be, who shall lay the same before the Justices at the Quarter Sessions then next holden in and for the said County, or at the Special Sessions as aforesaid.

Parishes may direct Application to be made to Justices at Sessions for forming them into Districts.

XIV. And be it further enacted, That on such Application as aforesaid being made by Two or more Parishes to the said Justices, they are hereby authorized at the said Quarter Sessions or at some Special Sessions as aforesaid to take the same into their Consideration, and to unite such and so many of the Parishes so applying as aforesaid, as they shall think fit, into a District or Districts for the Purposes of this Act; and the said Justices shall select and appoint out of the Persons so nominated as aforesaid

Justices may unite such Parishes into Districts, and select and appoint a District Surveyor.

said

said by the several Parishes so united into One District One fit and competent Person to be the Surveyor for such District composed as aforesaid, which Appointment shall be in Writing.

Names of Parishes and of District Surveyor to be recorded, &c.

XV. And be it further enacted, That the Names of the said Parishes so united, and the Name of the Person so appointed as District Surveyor, shall be reduced into Writing, signed by the Chairman of the said Quarter Sessions, or by the Majority of the Magistrates present at such Special Sessions, and shall be transmitted by him or them to the Clerk of the Peace, who shall lay the same before the Justices assembled at the Quarter Sessions in and for the said County, or at some Adjournment thereof, who are hereby authorized and required to cause the same to be enrolled with the Records of the Court; and a Copy thereof shall be sent by such Clerk of the Peace to each of the Churchwardens or the Surveyor of each of the said Parishes so united; and such Parishes so united shall continue to form a District for the Purposes of this Act for the Space of Three Years then next following, and from thenceforward until the Churchwarden of any one of the said Parishes so united, or the Chairman of the Vestry, shall by Direction and in pursuance of a Resolution of the Inhabitants in Vestry assembled, give Twelve Months Notice to the Churchwardens and Surveyor of each of the other Parishes, and to the said District Surveyor appointed by the said Justices, and to the Clerk of the Peace of the County in which the said Parishes are situate, of the Intention of the said Parish to cease to form a Part of the said District; in which Case, from and after the Expiration of the said Twelve Months Notice, the Union of the said Parishes into such District as aforesaid, and the Appointment of the said District Surveyor, shall cease and determine so far as may concern or be binding on the said Parish so giving such Notice as aforesaid.

Parishes when united to form a District for Three Years and until Twelve Months after any one Parish shall give Notice of Intention to cease to form one of said District.

District Surveyor to have Power, &c. of Surveyor, except in levying Rate.

XVI. And be it further enacted, That such District Surveyor when so appointed shall for all the Purposes of this Act, except the making, assessing, and levying the Rate in and by this Act authorized to be made, assessed, and levied, have, as far as the same are applicable, the same Powers, and be subject and liable to the same Duties, Penalties, and Forfeitures, as any Surveyor elected under the Provisions of this Act is invested with and liable to, and shall have the laying out and Application of all the Funds raised and levied under the Authority of this Act: Provided nevertheless, that such District Surveyor shall not expend any Monies levied in any one of the said united Parishes except for the Use and Benefit of the Parish in which it is so levied, unless with the Consent of the Inhabitants of such Parish in Vestry assembled, for the Purpose of carrying on Repairs or beneficial Improvements under the Provisions of this Act for the common Benefit of the said united Parishes; and such District Surveyor shall annually receive from each of the Parishes composing his District respectively such Salary as shall have been agreed upon by the several Parishes in manner aforesaid, which Salary shall be paid to such District Surveyor by the Surveyor of the Highways, out of the Money raised in each of such Parishes under the Authority of this Act; and in case of Nonpayment thereof, the same shall be recoverable from the Surveyors of the Highways

Salary of District Surveyor how to be paid.

of such Parishes, to and for his own Use, in the same Manner as any Forfeiture is recoverable under this Act.

XVII. And be it further enacted, That in each of the Parishes so united into a District as aforesaid a Surveyor shall be elected, as herein mentioned, in addition to the District Surveyor so appointed as aforesaid: Provided nevertheless, that such Surveyor shall only be authorized and required to make, assess, and levy the Rate herein directed to be made, assessed, and levied, and from Time to Time pay over the Money arising therefrom to such District Surveyor.

XVIII. And whereas it is expedient in large and populous Parishes that the Repairs of the Highways should be under the Direction and Control of a certain Number of Inhabitants, to be chosen and appointed as a Board for that Purpose, with necessary Powers; be it therefore further enacted, That in any Parish where the Population by the then last Census, taken from the Returns made to Parliament, exceeds the Number of Five thousand, if it shall be determined by a Majority of Two Thirds of the Votes of the Vestrymen present at such Meeting as aforesaid, to form a Board for the Superintendence of the Highways of the said Parish, and for the Purpose of carrying the Provisions of this Act into effect, it shall be lawful for the said Vestry to nominate and elect any Number of Persons, not exceeding Twenty nor less than Five, being respectively Householders and residing in and assessed to the Rate for the Relief of the Poor of the said Parish, and also liable to be rated to the Repair of the Highways in the said Parish under and by virtue of this Act, to serve the Office of Surveyors of the Highways for the Year ensuing; and such Persons so to be nominated and elected as such Surveyors, or any Three of them, shall and are hereby authorized to act as a Board, and to be called "The Board for Repair of the Highways in the Parish of \_\_\_\_\_" (as the Case may be), and to carry into effect the Powers, Authorities, and Directions in this Act contained; and such Board are hereby authorized to appoint a Collector, or any Number of Collectors, of the Rates to be made under the Authority of this Act, and also to employ a Person of Skill and Experience to act as an Assistant Surveyor to the said Board, and also a Clerk to attend the said Board, and to keep the Accounts and Minutes of the Proceedings thereof; such Assistant Surveyor and Clerk to be paid such reasonable Salaries out of the said Rates as the said Board shall determine; and upon such Board being so nominated and elected as aforesaid all and every the Powers and Authorities given and created by this Act, and granted to or vested in the Vestry, and in any Person or Persons as Surveyor, shall, for the Purposes of the Parish so nominating and electing such Board, be and the same are hereby declared to be vested in the said Persons so to be elected, or any Three of them acting as such Board as aforesaid; and such Persons or any Three of them, at a Meeting to be convened for that Purpose, may and they are hereby authorized to nominate and appoint a fit and proper Person to be Treasurer for the Deposit of the Monies to be collected for the Purposes of this Act, and to take from such Person good and sufficient Security for the Monies to be deposited

When Parishes are united, a Surveyor to be appointed to make Rate, &c.

Appointment of a Board directing Repairs in large Parishes.

Powers of the Board.

in his Hands as aforesaid; and all Monies to be drawn from such Treasurer for the Purposes of this Act shall be drawn by Drafts or Cheques to be signed by the said Persons so to be nominated and elected as aforesaid, or any Three of them, at some one of their Meetings to be held under this Act, and such Drafts shall be respectively signed and entered in their Books by the said Clerk to be appointed as aforesaid: Provided always, and it is hereby declared, that upon the Expiration of the Year for which such Board shall be elected as aforesaid, and before or on the Day for the Nomination and Election of Persons as Surveyors under the Authority of this Act, the said Board shall and are hereby directed to present to the Vestry of the Parish for which they shall have acted Copies of all their Accounts and also of the Minutes of their Proceedings during the preceding Year.

Board may hire  
or purchase  
Premises.

XIX. And be it further enacted, That it shall and may be lawful to and for such Board to rent, or with the Consent of the Vestry of any Parish to purchase, a fit and convenient Piece of Ground or other Premises for the keeping of the Implements and Materials necessary for the Reparation of the Highways, or for the preparing the Materials for the same respectively, and to determine and direct how and in what Manner the Highways in the said Parish, or any or either of them, or any and what Part or Parts thereof, shall be curbed or paved with Stone or otherwise.

Penalty on Sur-  
veyor, &c. for  
Neglect of Duty.

XX. And be it further enacted, That if any Surveyor or District Surveyor or Assistant Surveyor shall neglect his Duty in any thing required of him by this Act, for which no particular Penalty is imposed, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

As to Repair  
of Highways  
adjoining  
Bridges here-  
after to be built.

XXI. And be it further enacted, That if any Bridge shall hereafter be built, which Bridge shall be liable by Law to be repaired by and at the Expence of any County or Part of any County, then and in such Case all Highways leading to, passing over, and next adjoining to such Bridge shall be from Time to Time repaired by the Parish, Person, or Body Politic or Corporate, or Trustees of a Turnpike Road, who were by Law before the Erection of the said Bridge bound to repair the said Highways: Provided nevertheless, that nothing herein contained shall extend or be construed to extend to exonerate or discharge any County or any Part of any County from repairing or keeping in repair the Walls, Banks, or Fences of the raised Causeways and raised Approaches to any such Bridge, or the Land Arches thereof.

Raised Cause-  
ways, &c.

Powers for  
getting Mate-  
rials and pre-  
venting Nui-  
sances to extend  
to County  
Bridges and  
Roads at the  
Ends thereof.

XXII. And be it further enacted, That the several Powers and Authorities hereby vested in the Surveyor of Highways, as well for the getting of Materials, as the preventing and removing of all Nuisances and Annoyances, shall be and the same are hereby vested in the Surveyor of County Bridges, and the Roads at the Ends thereof repairable therewith; and the several Penalties, Forfeitures, Matters, and Things in this Act contained relating to Highways shall be and the same are hereby extended and applied, as far as the same are applicable, to such Bridges, and the Roads at the Ends thereof as aforesaid, the said Surveyor or Surveyors of County Bridges making Satisfaction and Compensation for all Trespass and Damage done in the Execution of the



the Powers of this Act, in such and the same Manner as the Surveyors of Highways are required to make under the Provisions of this Act.

**XXIII.** And be it further enacted, That no Road or Occupation Way made or hereafter to be made by and at the Expence of any Individual or private Person, Body Politic or Corporate, nor any Roads already set out or to be hereafter set out as a private Driftway or Horsepath in any Award of Commissioners under an Inclosure Act, shall be deemed or taken to be a Highway which the Inhabitants of any Parish shall be compellable or liable to repair, unless the Person, Body Politic or Corporate, proposing to dedicate such Highway to the Use of the Public shall give Three Calendar Months previous Notice in Writing to the Surveyor of the Parish of his Intention to dedicate such Highway to the Use of the Public, describing its Situation and Extent, and shall have made or shall make the same in a substantial Manner and of the Width required by this Act, and to the Satisfaction of the said Surveyor and of any Two Justices of the Peace of the Division in which such Highway is situate in Petty Sessions assembled, who are hereby required, on receiving Notice from such Person or Body Politic or Corporate, to view the same, and to certify that such Highway has been made in a substantial Manner, and of the Width required by this Act, at the Expence of the Party requiring such View, which Certificate shall be enrolled at the Quarter Sessions holden next after the granting thereof, then and in such Case, after the said Highway shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, such Highway shall for ever thereafter be kept in repair by the Parish in which it is situate: Provided nevertheless, that on Receipt of such Notice as aforesaid the Surveyor of the said Parish shall call a Vestry Meeting of the Inhabitants of such Parish, and if such Vestry shall deem such Highway not to be of sufficient Utility to the Inhabitants of the said Parish to justify its being kept in repair at the Expence of the said Parish, any One Justice of the Peace, on the Application of the said Surveyor, shall summon the Party proposing to make the new Highway to appear before the Justices at the next Special Sessions for the Highways to be held in and for the Division in which the said intended Highway shall be situate; and the Question as to the Utility as aforesaid of such Highway shall be determined at the Discretion of such Justices.

**XXIV.** And be it further enacted, That the Surveyor of every Parish, other than a Parish the Whole or Part of which is within Three Miles of the General Post Office in the City of London, shall, with the Consent of the Inhabitants of any Parish in Vestry assembled, or by the Direction of the Justices at a Special Sessions for the Highways, cause (where there are no such Stones or Posts) to be erected or fixed in the most convenient Place where Two or more Ways meet a Stone or Post, with Inscriptions thereon in large legible Letters, not less than One Inch in Height and of a proper and proportionate Breadth, containing the Name of the next Market Town, Village, or other Place to which the said Highways respectively lead, as well as Stones or Posts to mark

When new Highways are to be kept in repair by Parishes.

Provido.

Direction Posts, where and how to be erected.

mark the Boundaries of the Highway, containing the Name of the Parish wherein situate; and that the Surveyor of every Parish shall, at the several Approaches or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, cause to be erected graduated Stones or Posts, as he shall judge to be necessary, for the guiding of Travellers in the best and safest Track through the Floods; and also to secure Horse Causeways and Foot Causeways, by Posts, Blocks, or Stones fixed in the Ground, or by Banks of Earth cast up or otherwise, from being passed over and spoiled by Waggon, Wains, Carts, or Carriages; and the said Surveyor shall be reimbursed, out of the Monies which shall be received by him pursuant to the Directions of this Act, the Expences of providing and erecting and of keeping in repair such Stones, Posts, or Blocks already erected or fixed, or which may hereafter be erected or fixed.

Power to use adjoining Ground as a temporary Road.

XXV. And be it further enacted, That it shall be lawful for the Surveyor to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Highway, (not being the Site or Ground whereon any House stands, nor being a Garden, Lawn, Yard, Court, Park, Paddock, Plantation, planted Walk or Avenue to any House, or inclosed Ground set apart for Building Ground, or as a Nursery for Trees,) to be made use of as a public Highway whilst the old Road is repairing or widening, making such Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain as the Justices at a Special Sessions for the Highways assembled may think reasonable, such Sum so awarded as a Recompence to be recoverable in the same Manner as any Fines and Forfeitures are recoverable under this Act.

Surveyor to remove Snow, &c.

XXVI. And be it further enacted, That if any Impediment or Obstruction shall arise in any Highways from Accumulation of Snow, or from the falling down of the Banks on the Side of such Highways, or from any other Cause, the Surveyor is required from Time to Time, and within Twenty-four Hours after Notice thereof from any Justice of the Peace of the County in which the Parish may be situate, to cause the same to be removed.

Surveyor to make Rate.

XXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it further enacted, That a Rate shall be made, assessed, and levied by the Surveyor upon all Property now liable to be rated and assessed to the Relief of the Poor; provided that the same Rate shall also extend to such Woods, Mines, and Quarries of Stone, or other Hereditaments, as have heretofore been usually rated to the Highways; and provided also, that every such Rate shall be signed by the said Surveyor, and allowed by Two Justices of the Peace, and published in the same Way as Poor Rates are now allowed and published.

Rate to be allowed by Justices.

Surveyor may inspect Rate Book, and obtain Copies or Extracts.

XXVIII. And in order to enable the Surveyor to form a proper Judgment of any Rate to be made in pursuance of this Act, be it further enacted, That it shall be lawful for the Surveyor, and he is hereby authorized and empowered, at all reasonable Times, to inspect, or by Writing signed by him to grant Authority to any Person appointed by him to inspect, any of the Rates made towards

towards the Relief of the Poor of the Parish of which he is Surveyor, or the Books wherein the Assessments thereto shall be entered, without Fee or Reward; and the Surveyor, or Person by him authorized as aforesaid, shall be allowed to make a Copy of such Rate or Books, or to take any Extracts therefrom; and if any Person in whose Custody or Power any of the said Rates or Books shall be shall, when thereunto required in manner aforesaid, refuse or neglect to produce the same to the Surveyor, or Person so by him authorized as aforesaid, as the Case may be, or to allow such Copy or Extract to be made or taken, at all reasonable Hours in the Daytime, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

XXIX. And be it further enacted, That every Rate shall contain the Names of the Occupiers, the Description of the Premises or Property they occupy, and the full annual Value of such Premises or Property, and shall also specify the Sum in the Pound at which it is made; and no Rate to be levied or assessed as aforesaid shall exceed at any One Time the Sum of Ten-pence in the Pound, or the Sum of Two Shillings and Sixpence in the Pound in the whole in any One Year: Provided nevertheless, that with the Consent of Four Fifths of the Inhabitants of any Parish contributing to the Highway Rate assembled at a Meeting specially called for that Purpose, Ten Days previous Notice of the same having been given by the Surveyor of the said Parish, the Rate to be levied and assessed as aforesaid may be increased to such Sum as the said Inhabitants so assembled may think proper.

Form and  
Amount of  
Rate.

XXX. Provided always, and be it further enacted, That in Parishes in which the Overseers of the Poor have Power by Local Acts of Parliament to compound with or require Composition for Poor Rates from the Landlords of certain Houses, Tenements, or Hereditaments, and, in case of their Refusal to compound, to rate such Landlords as the Occupiers, the Surveyors shall have the same Powers, Remedies, and Privileges to compound and enforce Composition, and, in case of Refusal by the Landlords, to assess them in the same Proportions to the Rates authorized to be made by this Act, as the Overseers of the Poor have by such Acts for assessing and recovering any Rate made for the Relief of the Poor, or the Compositions entered into for the same.

Surveyor to  
have Power to  
enforce Com-  
position in cer-  
tain Parishes.

XXXI. And be it further enacted, That whenever it shall appear to the said Surveyor as aforesaid that there has been any Omission or Error in any Rate or Assessment made in pursuance of this Act of or in the Name of any Person, Parson, or Vicar, or of any House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Workshop, Manufactory, Garden Ground, Land, Tenement, Wood, Tithe, Mines, Pits or Quarries of any Mineral, Stone, or other Matter whatsoever, or Hereditament, liable to be rated for the Purposes of this Act, it shall be lawful for the said Surveyor as aforesaid, with the Consent and Approbation of the Justices at a Special Sessions for the Highways, to cause to be added or corrected in the said Rate or Assessment the Name of the Person, Parson, or Vicar omitted or erroneously stated, and a Description of the Property in respect of which he ought to be rated; and every such Addition or Correction made in any

Errors in Rates  
may be rectified.

of the said Rates, and signed by such Justices, shall be as valid and effectual as if the same had been Part of the original Rate at the Time when it was first made.

Persons may be excused by Justices from Payment of Highway Rate.

XXXII. And be it further enacted, That it shall and may be lawful for the Justices at a Special Sessions for the Highways, on Application made to them by any Person rated to any Rate under the Authority of this Act to be discharged therefrom, on Proof of his Inability through Poverty to pay such Rate, the Surveyor having been first summoned to appear on the Part of the Parish, to order and direct that such Person shall be excused from the Payment of such Rate; and which Order of the said Justices is hereby declared to be final with respect to such Rate.

Certain Persons not liable to Payment of Highway Rate.

XXXIII. And be it further enacted, That when Property, or the Owner or Occupier in respect thereof, has, previous to the passing of this Act, been legally exempt from the Performance of Statute Duty, or from the Payment of any Composition in lieu thereof, or of Highway Rate, the said Property and the Owners and Occupiers thereof shall be exempt from the Payment of the Rate hereby imposed.

Rates how to be recovered.

XXXIV. And be it further enacted, That, for levying and recovering the said Rate by this Act authorized to be made, the Surveyor shall have the same Powers, Remedies, and Privileges as the Overseers of the Poor in the Parish have by Law for the Recovery of any Rate made for the Relief of the Poor.

Rate-payers may divide among themselves the Conveyance of Stone, &c. for Repair of Highways, which shall be paid for by the Surveyor.

XXXV. And be it further enacted, That it shall be lawful for Two Rate-payers of any Parish, within Six Days next after the annual Appointment of the Surveyor, by a Notice in Writing, to require the said Surveyor to call a Meeting of the Rate-payers of the said Parish for the Purpose hereafter mentioned, and the said Surveyor shall call such Meeting within Eight Days after the Receipt of such Notice, and shall give Six Days previous Intimation of such Meeting; and if at such Meeting a Majority of the Rate-payers then and there assembled shall signify their Consent thereto, it shall and may be lawful for the Rate-payers keeping a Team or Teams of Two or more Horses or Beasts of Draught to divide among themselves, in proportion to the Amount of Rate to which they may respectively be assessed, the carrying of the Material which may be required by the said Surveyor for the Repairs of the Highways within such Parish, and that they shall be paid by the said Surveyor for such carrying or Task-work, within One Calendar Month after having performed such Service, after such Rate *per* Cubic Yard of Material *per* Mile, and so in proportion for any less Distance than a Mile, as shall be fixed by the Justices at their first Meeting in Special Sessions for the Highways after the Twenty-fifth Day of *March* in every Year, which Rate the said Justices are hereby required to fix at such Special Sessions: Provided always, that such carrying or Task-work shall be performed at such Times and Places and in such Manner as the said Surveyor may direct (the Periods of Spring, Seed-time, and Harvest always excepted); and that in case the said Surveyor shall not approve of the Manner in which such carrying or Task-work shall be performed, it shall be lawful for the Justices at a Special Sessions for the Highways to hear the Complaint of such Surveyor in that respect, and to

award

award such pecuniary Redress or Forfeiture against the Party offending as to them shall appear reasonable.

XXXVI. And be it further enacted, That the Surveyor of any Parish, the Consent of the Majority of the Inhabitants in Vestry assembled being first had and obtained, may from Time to Time appoint any Number of Collectors of the said Rates, and may remove any such Collector and appoint another in his Stead, and make such Allowance to such Collector, out of the Monies to be received under this Act, as the said Inhabitants in Vestry assembled shall think reasonable; and the said Collector is hereby declared to have all the same Powers, Remedies, and Privileges for the levying and enforcing the Payment of such Rates as the Surveyor nominated or appointed under the Authority of this Act.

Surveyor, with Consent of Vestry, may appoint Collector of Rates.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor and he is hereby required to take Security from every Collector appointed by virtue of this Act, for the due Execution of his Office of Collector, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Collector at any One Time, and shall be by Bond without Stamp.

Security to be taken from Collector.

XXXVIII. And be it further enacted, That every Collector appointed by virtue of this Act shall under his Hand, and at such Time and in such Manner as the Surveyor may direct, deliver to the said Surveyor as aforesaid true and perfect Accounts in Writing of all Monies which shall have been by such Collector received by virtue of this Act, and also a List of the Names of all such Persons as shall have neglected or refused to pay their respective Rates, and of the Monies due from them respectively; and that every such Collector shall pay all such Monies as shall remain due from him to the said Surveyor as aforesaid; and if any such Collector shall refuse or neglect to make and render such Account, or to produce and deliver up the List of Persons neglecting and refusing to pay their Rates as aforesaid, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said Surveyor as aforesaid, or to such Person as he shall appoint to receive the same, within Three Days after being thereunto required by the said Surveyor as aforesaid by Notice in Writing under his Hand given to or left at the usual Place of Abode of such Collector, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Surveyor as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Surveyor as aforesaid of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace, such Justice may and he is hereby authorized and required to issue a Summons under his Hand for the Collector so refusing or neglecting to appear before any Two Justices of the Peace; and upon the said Collector appearing, or having been so summoned and not appearing without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the said Two Justices to hear and determine the Matter; and if, upon Confession of the Party, or by the Testimony of any credible Witness on Oath, it shall appear to such Justices that any Monies remain

Collector to make out Accounts of all Monies received under this Act, &c.

remain due from such Collector, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods and Chattels of such Collector shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to be kept to hard Labour for a Period not exceeding Six Calendar Months, or until he shall have paid such Monies as aforesaid, or compounded with the Surveyor as aforesaid for such Money (which Composition the said Surveyor, with the Consent of the Inhabitants in Vestry, or, in any Parish where they do not meet in Vestry, with the Consent of the Inhabitants contributing to the Highway Rate at a public Meeting assembled, is hereby empowered to make and receive); or if it shall appear to such Justices that such Collector had refused or wilfully neglected to render and give such Accounts, or to produce and deliver the List of Persons neglecting and refusing to pay their Rates as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Collector, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in every such Case such Collector shall, on Conviction thereof, forfeit for such Offence any Sum not exceeding Twenty Pounds, and in default of Payment thereof shall be committed to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to be kept to hard Labour for a Period not exceeding Four Calendar Months, or until he shall have given a true and perfect Account as aforesaid, and delivered such List as aforesaid, and delivered up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Surveyor: Provided always, that no Conviction or Imprisonment of such Collector as aforesaid shall exonerate or discharge any Security taken from him on his Appointment as aforesaid.

Separate Accounts to be kept.

XXXIX. And be it further enacted, That the Surveyor in every Parish shall keep separate and distinct Accounts of the Monies levied for the Highway Rate; and such Accounts shall specify the different Sums, and the Times when and the Persons to whom and by whom the same shall have been collected and paid.

Surveyor to keep Books and Account of Monies received, &c. ;

XL. And be it further enacted, That the said Surveyor, District Surveyor, or Assistant Surveyor, as the Case may be, shall and he is hereby required from Time to Time to keep a Book, in which shall be entered a just and true and particular Account of all Money which shall have come to his Hands as Surveyor, District Surveyor, or Assistant Surveyor of the Parish for the Purposes of this Act, and to whom, and on what Occasion, and for what Work, and in what Place, and on what Day he shall have paid or applied the same, and also an Account of all Tools, Materials, Implements, and other Things provided by him for the Repair of the said Highways; and such Book shall at all reason-

able Times be open to the Inspection of every Inhabitant rated to the Highway Rate of the Parish, or of any of the Parishes united into a District, without Fee or Reward, and every such Inhabitant may take Copies or Extracts from the said Book, or any Part thereof, without paying for the same; and in case the said Surveyor, District Surveyor, or Assistant Surveyor shall neglect to provide such Book, or to enter therein every Sum received or paid by him within One Week after the same shall have been received or paid, or shall refuse to permit or shall not permit any such Inhabitant as aforesaid at any reasonable Time to inspect the same or take Copies or Extracts as aforesaid, such Surveyor, District Surveyor, or Assistant Surveyor shall forfeit and pay any Sum not exceeding Five Pounds for each Default, to be levied and applied in manner herein provided.

to be open to Inspection of rated Inhabitants.

XXI. And be it further enacted, That all the said Books, Papers, Writings, and Accounts, and all Materials, Tools, and Implements which shall be provided in pursuance of this Act for repairing or preserving the Highways, and also the Scrapings of the said Highways, shall be vested in the Surveyor for the Time being; or in case a District Surveyor shall be appointed, then all such Books, Papers, Writings, and Accounts, and all Materials, Tools, Implements, and Scrapings, shall be invested in the District Surveyor.

The Property in all Books, &c. to be vested in Surveyor for the Time being.

XLII. And be it further enacted, That the said Surveyor, District Surveyor, or Assistant Surveyor shall, within Fourteen Days after leaving his Office, deliver such Books and Accounts verified as herein directed, together with all such Sums of Money as shall be due from him, and likewise all Tools, Materials, Implements, and other Things as aforesaid, to his Successor in Office, or retain the same in his Hands and account for them in his next Account if he shall be continued Surveyor or District Surveyor of such Parish in the succeeding Year; and in case such Surveyor or District Surveyor shall neglect to deliver within such Time as aforesaid the said Books, Papers, Writings, and Accounts, and such Tools, Materials, Implements, and other Things, in manner aforesaid, he shall for every such Offence forfeit any Sum not exceeding Five Pounds; and in case he shall make Default in the paying or accounting for the Money so due from him within the Time and according to the Directions aforesaid, he shall forfeit Double the Money so due.

Surveyor, on quitting Office, to deliver Books, &c. to succeeding Surveyor.

Penalty for Neglect.

XLIII. And be it further enacted, That in case of the Death of any such Surveyor, District Surveyor, or Assistant Surveyor, before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, then and in every such Case the Executors or Administrators of such Surveyor, District Surveyor, or Assistant Surveyor so dying shall pay and satisfy the same out of his Estate and Effects unto the succeeding Surveyor, District Surveyor, or Assistant Surveyor, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Books, Papers, Writings, Assessments, Tools, Materials, and Implements, and other Things concerning his Office, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payment in any Action or Suit which may be

In case of Death of Surveyor, Executors to account.

brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Writings, Assessments, Tools, Materials, Implements, and Things, for the Space of One Calendar Month after Demand made thereof in Writing by or on behalf of the said succeeding Surveyor, it shall be lawful for the said succeeding Surveyor to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, Assessments, Tools, Materials, Implements, and Things, in which Action or Actions full Costs of Suit shall be recovered by the said succeeding Surveyor.

Yearly Accounts to be made by Surveyors, &c. and laid before the Justices at a Special Sessions for the Highways.

Subject to Appeal.

Surveyors appointed under the Act of 13 G. 3. to pass their Accounts at Special Sessions after 25th March 1834.

Justices to hold Special Sessions for Purposes of this Act.

XLIV. And be it further enacted, That within Fourteen Days after the Election or Appointment of Surveyor as herein directed, the Accounts as aforesaid made in Writing, and signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, of all Monies received and disbursed by virtue of this Act, ending on the Day of the Election or Appointment of Surveyor, shall be made up, balanced, and laid before the Parishioners in Vestry assembled, who may, if they think fit, order an Abstract thereof to be printed and published; and within One Calendar Month after the Election or Appointment of Surveyor as herein directed the said Accounts shall be signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, and laid before the Justices of the Peace at a Special Sessions for the Highways holden at the Place nearest to the Parish or District for which such Surveyor shall have been appointed, and such Justices are hereby authorized and required to examine him as to the Truth of the said Accounts or of any Charge contained therein: Provided always, that if any Person chargeable to the Rate authorized to be made by this Act has any Complaint against such Accounts or the Application of the Monies received by the said Surveyor, it shall be lawful for any such Inhabitant to make his Complaint thereof to such Justices at the Time of the Verification of such Accounts as aforesaid, and the said Justices are hereby required to hear such Complaint, and, if they shall think fit, to examine such Surveyor upon Oath, and to make such Order thereon as to them shall seem meet: Provided nevertheless, that the several Surveyors appointed under the Authority of the said Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third shall produce such Books and Statement and pass their Accounts before the Justices at a Special Sessions for the Highways to be holden within their respective Divisions in the Week next after that in which the Twenty-fifth Day of *March* shall be in the Year of our Lord One thousand eight hundred and thirty-six, and pay the Balances thereof to the Surveyor to be chosen in pursuance of this Act, in the same Manner as they would have done to the Surveyors to have been appointed if this Act had not been passed.

XLV. And be it further enacted, That it shall and may be lawful for the Justices of the Peace within their respective Divisions,



sions, or any Two or more of them, and they are hereby required, to hold not less than Eight nor more than Twelve Special Sessions in every Year for executing the Purposes of this Act, the Days of the holding thereof to be appointed at a Special Sessions to be held within Fourteen Days after the Twentieth Day of *March* in every Year: Provided always, that it shall not be necessary to cause any Notice to be given or sent to any Justice acting and residing within such Limits of the Day or Time of the holding thereof; and at the said Special Sessions held next after the Twenty-fifth Day of *March* in every Year the Surveyor of each of the Parishes within their respective Divisions shall verify his Accounts, and shall make a Return in Writing to such Special Sessions of the State of all the Roads, common Highways, Bridges, Causeways, Hedges, Ditches, and Watercourses appertaining thereto, and of all Nuisances and Encroachments, if any, made upon the several Highways within the Parish for which he was Surveyor, as well as the Extent of the different Highways which the said Parish is liable to repair, what Part thereof has been repaired, and with what Materials, at what Expence, and what was the Amount levied during the Time he was Surveyor of the said Parish.

XLVI. And be it further enacted, That in every Parish the Surveyor may and is hereby authorized, with the Consent of the Inhabitants in Vestry assembled, to contract for purchasing, getting, and carrying the Materials required for the Repair of the Highway; and if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any Contract or Bargain for Work or Materials to be made, done, or provided upon, for, or on account of any of the Highway or other Works whatsoever under his Care or Management, or shall upon his own Account, directly or indirectly, use or let to hire any Team, or use or sell or dispose of any Materials, to be used or employed in making or repairing such Highway or other Works as aforesaid, (unless a Licence in Writing for the Sale of any such Materials, or to let to hire any such Team, be first obtained from Two Justices of the Peace in Special Sessions assembled,) he shall forfeit for every such Offence, on Conviction, any Sum not exceeding Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary under the Authority of this Act.

XLVII. And be it further enacted, That if any Person shall, without the Consent of the Surveyor, take away Materials which shall have been purchased, gotten, dug, or gathered for the Repair or Use of any Highway, or any Materials out of any Quarry which shall have been made, dug, or opened for the Purpose of getting Materials for any Highway, before the Surveyor and his Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner of any private Grounds, and Persons authorized by such Owner to get Materials in such Quarry for his own private Use, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay, on Conviction thereof, any Sum not exceeding Ten Pounds.

XLVIII. And whereas, under Acts of Parliament heretofore made and which may hereafter be made for the inclosing of Waste Land, Parcels of Land have been and may be expressly

At such Sessions Surveyor to verify Accounts, and make Returns of the State of the Roads, &c.

Surveyor may contract for getting and carrying Materials; but not to share in any Contract, &c. without Licence from Two Justices.

Penalty.

Penalty on taking away Materials belonging to Surveyor:

Land allotted to the Parish for Materials, when exhausted, may be sold.

‘ allotted to Parishes or to the Surveyor of the Highways for the Purpose of obtaining Materials for the Repair of the Highways in such Parish, and the Materials in such Parcels of Land have been and may be exhausted;’ be it therefore enacted, That in such Cases it shall and may be lawful for the Surveyor of such Parish for the Time being, by and with the Consent of the Vestry, and he is hereby authorized and required, with the Consent in Writing of the Justices of the Peace at a Special Sessions for the Highways, to sell and convey to some Person whose Lands adjoin thereto, or, if he refuse to purchase, to any other Person, the said Parcels of Land from which the said Materials have been so exhausted as aforesaid, at and for such Price as the said Justices may deem fair and reasonable, and with the Money arising therefrom, and with such Consent as aforesaid, to purchase other Lands in lieu thereof.

Tenant for Life, &c. may renounce Damages.

XLIX. And be it further enacted, That it shall be in the Power of Tenants for Life, Ecclesiastical and Lay Corporations, and the Proprietors of Entailed Estates, and of the Trustees and Guardians of any Person under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or Compensation for such Ground and Materials as any Highway may occupy on their respective Properties, and that such Renunciation shall be equally binding on the Heirs and Successors of such Persons: Provided nevertheless, that such Renunciation of Claim of Damage or Compensation be in Writing, and signed by such Tenant for Life, Proprietor, Trustee, or Guardian, in the Presence of Two Witnesses, or in the Case of Corporations in such Manner and Form as is usually adopted by such Corporations respectively; and such Renunciation shall be enrolled at the Quarter Sessions which shall be held next after the signing or Execution thereof.

Lands for Maintenance of Highways, &c. to be let to farm at the most improved Value, with Consent of Justices.

L. And be it further enacted, That when any Lands or Tenements have been or shall be given for Maintenance of Highways, the Profits and Proceeds of which are to be applied and disposed of for no other Use, Intent, or Purpose whatsoever, all Persons who are or shall be enfeoffed or trusted with any such Lands or Tenements shall and they are hereby authorized and required to let them to farm at the most improved yearly Value, without Fine, for any Term not exceeding Ninety-nine Years: Provided nevertheless, that previous to the granting of such Lease the Consent of the Justices at a Special Sessions for the Highways, neither of such Justices being interested therein, by Writing under their Hands, shall be obtained as to the Amount of Rent to be received and the Duration of the Term.

Materials where and in what Manner to be taken by Surveyors.

LI. And be it further enacted, That it shall and may be lawful for every such Surveyor, in any Waste Land or Common Ground, River or Brook, within the Parish for which he shall be Surveyor, or within any other Parish wherein Gravel, Sand, Stone, or other Materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the Parish where the same are to be employed, and sufficient shall be left for the Use of the Roads in such other Parish,) to search for, dig, get, and carry away the same, so that the said Surveyor doth not thereby divert or interrupt the Course of such River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the same out

out of any River or Brook within the Distance of One hundred and fifty Feet above or below any Bridge, nor within the like Distance of any Dam or Wear; and likewise to gather Stones lying upon any Lands or Grounds within the Parish where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials, but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons by carrying away the same, in the Manner herein-after directed for getting and carrying Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Owner of such Lands or Grounds, or a Licence for that Purpose from Two Justices at a Special Sessions for the Highways, after having summoned such Owner to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.

Power to gather Stones without making Satisfaction, but Satisfaction to be made for Damages done by carrying them away.

LII. Provided always, and be it further enacted, That nothing in this Act contained relative to the gathering or getting of Stones or other Materials shall extend to any Quantity of Stones or other Materials thrown up by the Sea, commonly called Beach, where the Removal of the same would cause any Damage or Injury by Inundation to the Lands adjoining, or increased Danger of Encroachment by the Sea.

Not to extend to Sea Beach, &c.

LIII. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any Highway out of or from any inclosed Land or Ground, until One Calendar Month's Notice in Writing, signed by the Surveyor, shall have been given to the Owner of the Premises from which such Materials are intended to be taken, or to his known Agent, and to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Agent, and also of such Occupier, to appear before the Justices at a Special Sessions for the Highways, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice) make such Order therein as they shall think fit as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his Agent, had attended.

Notice to be given before Materials are taken from private Lands.

If the Occupier shows Cause against the Removal, Two Justices shall decide thereon.

LIV. And be it further enacted, That it shall be lawful for every such Surveyor, for the Use aforesaid, by Licence in Writing from the Justices at a Special Sessions for the Highways, to search for, dig, and get Materials, if sufficient cannot be had conveniently within such Waste Lands, Common Grounds, Rivers,

If sufficient Materials cannot be found in Waste Lands, &c. Surveyor may take them

from the several or inclosed Lands or Grounds, making Satisfaction to the Owners.

or Brooks, in or through any of the several or inclosed Lands or Grounds of any Person whomsoever (such Lands or Grounds not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or inclosed Plantation, or inclosed Wood not exceeding One hundred Acres in extent,) within the Parish where the same shall be wanted, or within any other Parish adjoining or lying near to the Highway for which such Materials shall be required, if it shall appear to such Justices that sufficient Materials cannot be conveniently had in the Parish where such Highways lie, or in the Waste Lands or Common Grounds, Rivers or Brooks of such adjacent Parish, and that a sufficient Quantity of Materials will be left for the Use of the Parish where the same shall be, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways; the said Surveyor making such Satisfaction for the Materials which may be got or taken away, and also for the Damage done to such Lands or Grounds by the getting and carrying away the same, as shall be settled and ascertained by Order of the Justices at a Special Sessions for the Highways.

If Surveyor shall make Pits or Holes in getting Materials, he shall cause them to be filled up or sloped down, and fenced off;

LV. And be it further enacted, That if any Surveyor or Person employed by him shall, by reason of the searching for, digging, or getting any Materials for repairing any Highways, make any Pit or Hole in Lands, Common Grounds, Rivers, or Brooks as aforesaid wherein such Materials shall be found, he shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and within Three Days after such Pit or Hole shall be opened or made, where no Materials shall be found, cause the same to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the same, and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, cause the same to be filled up or sloped down, and fenced off, if required by the Owner of the Land or Ground, and so continued; and every Surveyor shall within Twenty-one Days after he shall have been appointed to that Office cause all the said Pits and Holes which shall then be open and not likely to be further useful to be filled up or sloped down in manner aforesaid, and if they are likely to be further useful he shall secure the same by Posts and Rails or other Fences to prevent Accidents to Persons or Cattle; and in case such Surveyor or Person shall neglect to fill up, slope down, or fence off such Pit or Hole in manner and within the Time aforesaid, he shall forfeit the Sum of Ten Shillings for every such Default; and in case such Surveyor or Person shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before directed, for the Space of Six Days after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Ground, River, or Brook, or any Person having Right of Common within such Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before the Justices at a Special Sessions for the Highways, such Surveyor, Person or Persons, shall forfeit and pay any Sum not exceeding

and in like Manner all those already made.

Penalties on Surveyor for Neglect herein.

Ten Pounds for such Neglect, to be determined and adjudged by such Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole, and toward the Repair of the Roads in the Parish where the Offence shall be committed, in such Manner as the said Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

LVI. And be it further enacted, That if any Surveyor or District Surveyor shall lay or cause to be laid any Heap of Stone or any other Matter or Thing whatsoever upon any Highway, 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 to guard against the same, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

LVII. And be it further enacted, That if any Surveyor shall dig or cause to be dug Materials for the Highways, whereby any Bridge, Mill, Building, Dam, Highway, Occupation Road, Ford, Mines, or Tin Works, or other Work, may be damaged or endangered, he shall forfeit for every such Offence, on Conviction, any Sum not exceeding Five Pounds, at the Discretion of the Justices before whom the Complaint thereof shall be made, notwithstanding his Liability to any Civil Action to which he may make himself liable by such Act.

LVIII. ' And whereas it frequently happens that the Boundaries of Parishes pass across or through the Middle of a common Highway, and one Side of such Highway is situated in one Parish and the other Side in another Parish, whereby great Inconveniences often arise in repairing the same; be it enacted, That the Justices at a Special Sessions for the Highways, on Complaint of any Surveyor of any Parish, (stating in Writing, and on a Plan thereunto annexed, that there is such a Highway, one Side whereof ought to be repaired by one Parish, and the other Side by another, and particularly describing the same by Metes, Bounds, and Admeasurements thereof,) may issue their Summons, with a Copy of such Writing and Plan thereunto annexed, to the Surveyor of such other Parish, to appear before them on a Day mentioned in such Summons; and if the Parties appear such Justices may then proceed finally to decide the Matter in manner herein mentioned, in case all the Parties shall consent thereto; but in case the Surveyor summoned shall not appear on such first Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter for any further Time, not more than Twenty-one Days nor less than Fourteen Days from the Date of such Adjournment, of which the Surveyor not appearing, or appearing shall require further Time, shall have Notice, on which Day the said Justices shall proceed to hear the Parties and their Witnesses, and, whether the Party summoned does or does not appear, shall proceed to examine and finally determine the Matter in form following; (that is to say,) that it shall and may be lawful for such Justices and they are hereby required to divide the whole of such Common Highway, by a transverse Line crossing such Highway, into equal

Penalty on Surveyor allowing Stones, &c. to remain on Highway at Night.

Surveyor damaging Mills, Dams, &c. to forfeit not exceeding 5*l*.

Where a Highway lies in Two Parishes, the Justices to determine what Parts shall be repaired by each.

equal Parts, or into such unequal Parts and Proportions as, in consideration of the Soil Waters, Floods, and Inequality of such Highway, or any other Circumstances attending the same, they in their Discretion shall think just and right, and to declare, adjudge, and order that the whole of such Highway on both Sides thereof, in any of such Parts, shall be maintained and repaired by one of such Parishes, and that the whole thereof on both Sides, in the other of such Parts, shall be maintained and repaired by the other of such Parishes, and shall cause such their Order, and a Plan of such Highway, and the Allotment thereof as before mentioned, to be fairly delineated on Paper or Parchment, and filed with the Clerk of the Peace of the County in which such Highway shall happen to lie, and shall also cause such Posts, Stones, or other Boundaries to be placed and set up in such Highway as in their Judgment shall be necessary for ascertaining the Division and Allotment thereof: Provided nevertheless, that in the Case of any such last-mentioned Highway, the Repair of any Part of which belongs to any Body Politic or Corporate, or to any Person, by the Reason of Tenure of any Lands, or otherwise howsoever, the same Proceedings may be adopted, but the said Body Politic or Corporate, or Person, or some one on their Behalf, may appear before such Justices, and object to such last-mentioned Proceedings, in which Case the said Justices shall, before they divide such Highway as aforesaid, hear and consider the Objection so made, and determine the same.

Proviso in case of Highway repaired by Party ratione tenuræ, &c.

Parishes, &c. bound to repair the Part so allotted.

LIX. And be it further enacted, That from and after such Order and Plan shall be so filed with the Clerk of the Peace as aforesaid, such Parishes, and Body Politic or Corporate, or Person aforesaid respectively, shall be bound as of Common Right to maintain and keep in repair such Parts of such Highways so allotted to them as aforesaid, and shall be liable to be proceeded against for Neglect of such Duty, and shall in all respects whatsoever be liable and subject to all the Provisions, Regulations, and Penalties contained in this Act, and also shall be discharged from the Repair of such Part of such Highway as shall not be included in their respective Allotment.

How Costs of Proceedings to be defrayed, &c.

LX. And be it further enacted, That all Costs, Charges, and Expences to be incurred by reason of any of the Proceedings last mentioned shall be borne and defrayed by such Two Parishes, or Body Politic or Corporate, or Person aforesaid, the same being settled and ascertained and duly apportioned between such Parishes by such Justices; and in case the said Parties shall refuse or neglect to pay and discharge their respective Share of such Costs and Expences, it shall and may be lawful for the Justices at a Special Sessions for the Highways to levy the same by Distress and Sale, with Costs of such Distress, on the Goods and Chattels of any Surveyor of the Parish, or of any Body Politic or Corporate, or Person aforesaid, so refusing or neglecting to defray such Costs and Charges as aforesaid.

Boundary of Counties, &c. not to be changed, &c.

LXI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to affect, change, or alter in any Manner whatsoever any Boundaries of Counties, Lordships, Hundreds, Manors, or any other Division of public or private Property, nor the Boundaries of any Parishes or Townships, otherwise

otherwise than for the Purpose of amending and keeping in repair such particular Portion of the Highway in the Manner herein mentioned.

LXII. And be it further enacted, That any Body Politic or Corporate, or any Person, liable to repair any Highway by reason of Tenure of any Lands, or otherwise howsoever, or the Surveyor of the Parish in which the said Highway is situate, may, if he or either Party shall think proper, having first obtained the Consent of the Inhabitants in Vestry assembled, apply to any Justice for the Purpose of making the said Highway a Parish Highway, and to be repaired by the Surveyor of the said Parish; and the said Justice is hereby authorized and required to issue his Summons, requiring the said Surveyor, or the Party so liable to repair the said Highway as aforesaid, to appear before the Justices at the next Special Sessions for the Highways, and if both Parties appear such Justices may then proceed to determine the Matter; but in case the Surveyor or Party summoned shall not appear on such first Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter to the next Special Sessions for the Highways, of which the said Surveyor or Party not appearing shall have Notice, on which Day the Justices so assembled at such Special Sessions shall proceed to hear the Parties and their Witnesses, and, whether the Surveyor or Party summoned do or do not appear, shall proceed to examine and determine the Matter; and in case they decide that the said Highway shall become a Parish Highway, and be thereafter repaired by the Surveyor of the said Parish, they shall, by an Order under their Hands, fix the Proportion of the Expences of repairing the said Highway to be annually paid by such Body Politic or Corporate or Person as aforesaid to the Surveyor of the said Parish; and the Order of the said Justices shall be binding on the Surveyor and the said Parish, and the said Body Politic or Corporate or Person as aforesaid, their Heirs, Successors, and Assigns: Provided nevertheless, that the said Justices, instead of fixing the Proportion of the Expences of repairing the said Highway to be annually paid as aforesaid, may, by an Order under their Hands, fix a certain Sum to be paid by such Body Politic or Corporate or Person as aforesaid to the Surveyor of the said Parish in full Discharge of all Claims thereafter in respect of the Repairs of such Highway; and in default of Payment of such last-mentioned Sum or of such annual Sum as aforesaid the said Surveyor may proceed for the Recovery thereof in the same Manner as any Penalties and Forfeitures are recoverable under this Act: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair of such Highways shall exceed the Sum of One hundred Pounds, the said Sum when received shall be vested, in the Name of the Minister, Churchwardens, and Surveyors of the Highways of the Parish within which such Highway shall be situate, in some Public Government Securities, and the Interest and Dividends from Time to Time arising or accruing therefrom shall be applied towards the Repairs of the Highways within the said Parish: Provided also, that when the Sum so fixed to be paid in full Discharge of all Claims as aforesaid shall not exceed the

Highway repaired by Party rations tenures, &c. may be made a Parish Highway.

Sum

Sum of One hundred Pounds, the said last-mentioned Sum, or any Part thereof, on the Application by and with the Consent of the Inhabitants of the Parish in Vestry assembled, and of the Justices in Special Sessions assembled, shall and may be paid to the Surveyor of the said Parish, to be applied towards the Repair of the Highways within the said Parish.

What shall be deemed the Centre of the Highway.

LXIII. And be it further enacted, That where in this Act any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Highway, that Portion of Ground shall be deemed and taken to be the Highway which has been maintained by the Surveyor as Highway, and repaired with Stones or other Materials used in forming Highways, for the Six Months immediately preceding; and the Centre of the Highway shall be the Middle of such Highway, where a Line being drawn along the Highway, or a Point marked, an equal Number of Feet of Highway which have been so maintained and repaired as aforesaid for Twelve Months before shall be found on each Side of such Line or Mark.

No Tree, &c. to be within 15 Feet of the Centre of the Carriageway.

LXIV. And be it further enacted, That no Tree, Bush, or Shrub shall hereafter be planted on any Carriageway or Cartway, or within the Distance of Fifteen Feet from the Centre thereof; but the same shall respectively be cut down, grubbed up, and carried away by the Owner or Occupier of the Land or Soil within Twenty-one Days after Notice to him or his Agent by the Surveyor, on pain of forfeiting for every Neglect the Sum of Ten Shillings.

Mode of proceeding if Highway is prejudiced by Hedges, &c.

LXV. And be it further enacted, That if the Surveyor shall think that any Carriageway or Cartway is prejudiced by the Shade of any Hedges, or by any Trees (except those Trees planted for Ornament or for Shelter to any Hop Ground, House, Building, or Court Yard of the Owner thereof,) growing in or near such Hedges or other Fences, and that the Sun and Wind are excluded from such Highway, to the Damage thereof, or if any Obstruction is caused in any Carriageway or Cartway by any Hedge or Tree, it shall be lawful for any One Justice of the Peace, on the Application of the said Surveyor, to summon the Owner of the Land on which such Hedges or Trees are growing next adjoining to such Carriageway or Cartway to appear before the Justices at a Special Sessions for the Highways to show Cause why the said Hedges are not cut, pruned, or plashed, or such Trees not pruned or lopped, in such Manner that the Carriageway or Cartway shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Carriageway or Cartway to the Damage thereof, or why the Obstruction caused in such Carriageway or Cartway should not be removed; and the Question as to the cutting, pruning, or plashing such Hedges, or the pruning and lopping such Trees, or the Removal of such Obstruction as aforesaid, shall, upon Proof of the Service of such Summons, and whether the said Owner attend or not, be determined at the Discretion of such last-mentioned Justices; and if such Justices shall order and direct that such Hedges shall be cut, pruned, or plashed, or such Trees pruned or lopped, in manner aforesaid, or such Obstruction removed, the said Owner shall comply therewith within Ten Days after a Copy of such Order



Order shall have been left at the usual Place of Abode of the said Owner or of his Steward or Agent, and in default thereof shall forfeit, on Conviction, a Sum not exceeding Forty Shillings ; and the said Surveyor, if the Order of the said Justices is not complied with, shall and he is hereby authorized and required to cut, prune, or plash such Hedges, and to prune and lop such Trees, for the Benefit and Improvement of the Highway, and to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and according to the true Intent and Meaning of this Act ; and the said Surveyor shall be reimbursed by the Owner as aforesaid what Charges and Expences he shall be at in cutting, pruning, and plashing such Hedges, and pruning and lopping such Trees, and the Removal of such Obstruction, over and above the said Forfeiture ; and it shall and may be lawful for the Justice at a Special Sessions for the Highways, upon Proof to them made upon Oath, to levy as well the Expences of cutting, pruning, and plashing such Hedges, or pruning and lopping such Trees, or Removal of such Obstructions as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

LXVI. Provided always, and be it further enacted, That no Person shall be compelled nor any Surveyor permitted to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March* ; and that no Person shall be obliged to fell any Timber Trees growing in Hedges at any Time whatsoever except where the Highways shall be ordered to be widened or enlarged as herein mentioned, or then to cut down or grub up any Oak Trees growing in such Highway or in such Hedges except in the Months of *April*, *May*, or *June*, or any Ash, Elm, or other Trees in any other Months than *December*, *January*, *February*, or *March*.

LXVII. And be it further enacted, That the said Surveyor, District Surveyor, or Assistant Surveyor shall have Power to make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses, and also to make and lay such Trunks, Tunnels, Plats, or Bridges, as he shall deem necessary, in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages which he shall sustain thereby, to be settled and paid in such Manner as the Damages for getting Materials in inclosed Lands or Grounds are herein directed to be settled and paid.

LXVIII. And be it further enacted, That if any Owner, Occupier, or other Person shall alter, obstruct, or in any Manner interfere with any such Ditches, Gutters, Drains, or Watercourses, Trunks, Tunnels, Plats, or Bridges, after they shall have been made by or taken under the Charge of such Surveyor or District Surveyor, and without his Authority and Consent, such Owner, Occupier, or other Person shall be liable to reimburse all Charges and Expences which may be occasioned by reinstating and making good the Work so altered, obstructed, or interfered with, and

Time of cutting  
Hedges and  
Trees.

Surveyor to  
make and keep  
open Ditches,  
&c., and to lay  
Trunks, &c.

Owner, Occu-  
pier, &c. not  
to alter such  
Ditches without  
Consent.

and shall also forfeit any Sum not exceeding Three Times the Amount of such Charges and Expences.

Penalty for encroaching on Highway.

LXIX. And be it further enacted, That if any Person shall encroach by making or causing to be made any Building, Hedge, Ditch, or other Fence on any Carriageway or Cartway within the Distance of Fifteen Feet from the Centre thereof, every Person so offending shall forfeit, on Conviction, for every such Offence any Sum not exceeding Forty Shillings; and the Surveyor who hath the Care of any such Carriageway or Cartway shall and he is hereby required to cause such Building, Hedge, Ditch, or Fence to be taken down or filled up at the Expence of the Person to whom the same shall belong; and it shall and may be lawful for the Justices at a Special Sessions for the Highways, upon Proof to them made upon Oath, to levy as well the Expences of taking down such Building, Hedge, or Fence, or filling up such Ditch as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

Encroachment to be taken down by the Surveyor.

Steam Engines, &c. not to be erected within a certain Distance of Roads.

LXX. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to sink any Pit or Shaft, or to erect or cause to be erected any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards, nor any Windmill within Fifty Yards, from any Part of any Carriageway or Cartway, unless such Pit or Shaft or Steam Engine, Gin, or other like Engine or Machinery, shall be within some House or other Building, or behind some Wall, or Fence, sufficient to conceal or screen the same from the said Carriageway or Cartway, so that the same may not be dangerous to Passengers, Horses, or Cattle; nor shall it be lawful for any Person to make or cause to be made any Fire for calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, within the Distance of Fifteen Yards from any Part of the said Carriageway or Cartway, unless the same shall be within some House or other Building, or behind some Wall or Fence, sufficient to screen the same from the same Carriageway or Cartway as aforesaid; and in case any Person shall offend in any of the Cases aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day such Pit, Shaft, Windmill, Steam Engine, Gin, Machine, or Fire shall be permitted to continue contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Highway may be levied, recovered, and applied: Provided that nothing herein contained shall be construed to restrain any Person or Persons from using, repairing, rebuilding, or enlarging any Windmill, Steam Engine, Gin, or other like Machine, or any Kiln or other Erection used for the Purpose of calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, which may have been erected and may be in existence at the passing of this Act.

LXXI. And

LXXI. And be it further enacted, That whenever a Railroad shall cross any Highway for Carts or Carriages, the Proprietors of the said Railroad shall make and maintain good and sufficient Gates at each of the said Crossings, and shall employ good and proper Persons to attend to the opening and shutting of such Gates, so that the Persons, Carts, or Carriages passing along such Road shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad; and any Complaint for any Neglect in respect of the said Gates shall be made within Ten Days after the said Neglect, to One Justice, who may summon the Party so complained against to appear before the Justices at their next Special Sessions for the Highways, who shall hear and decide upon the said Complaint, and the Proprietor so offending shall forfeit any Sum not exceeding Five Pounds.

Proprietors of Railways to erect Gates, &c. where they cross Highways.

LXXII. And be it further enacted, That if any Person shall wilfully ride upon any Footpath or Causeway by the Side of any Road made or set apart for the Use or Accommodation of Foot Passengers; or shall wilfully lead or drive any Horse, Ass, Sheep, Mule, Swine, or Cattle, or Carriage of any Description, or any Truck or Sledge upon any such Footpath or Causeway; or shall tether any Horse, Ass, Mule, Swine, or Cattle on any Highway, so as to suffer or permit the tethered Animal to be thereon; or shall cause any Injury or Damage to be done to the said Highway, or the Hedges, Posts, Rails, Walls, or Fences thereof; or shall wilfully obstruct the Passage of any Footway; or wilfully destroy or injure the Surface of any Highway; or shall wilfully or wantonly pull up, cut down, remove, or damage the Posts, Blocks, or Stones fixed by the said Surveyor as herein directed; or dig or cut down the Banks which are the Securities and Defence of the said Highways; or break, damage, or throw down the Stones, Bricks, or Wood fixed upon the Parapets or Battlements of Bridges, or otherwise injure or deface the same; or pull down, destroy, obliterate, or deface any Milestone or Post, Graduated or Direction Post or Stone, erected upon any Highway; or shall play at Football or any other Game on any Part of the said Highways, to the Annoyance of any Passenger or Passengers; or if any Hawker, Higgler, Gipsy, or other Person travelling shall pitch any Tent, Booth, Stall, or Stand, or encamp, upon any Part of any Highway; or if any Person shall make or assist in making any Fire, or shall wantonly fire off any Gun or Pistol, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Fifty Feet of the Centre of such Carriageway or Cartway; or bait, or run for the Purpose of baiting, any Bull upon or near any Highway; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Lime, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever upon such Highway, to the Injury of such Highway, or to the Injury, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Filth, Dirt, Lime, or other offensive Matter or Thing whatsoever to run or flow into or upon any Highway from any House, Building, Erection, Lands or Premises adjacent thereto; or shall in any Way wilfully obstruct the free Passage of any such Highway; every Person so offending

Penalty on Persons committing Nuisances by riding on Footpaths, &c.;

by injuring the Road;

by damaging Banks, Causeways, Direction Posts, Milestones, &c.;

by making Fires;

by baiting Bulls;

by laying Timber, &c.;

by running of Filth.

in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

Matters laid on or near Highways, so as to be a Nuisance, to be removed on Notice; or on Failure, Surveyor to dispose of the same by Order of a Justice.

LXXXIII. And be it further enacted, That if any Timber, Stone, Hay, Straw, Dung, Manure, Lime, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever shall be laid upon any Highway so as to be a Nuisance, and shall not, after Notice given by the Surveyor, Assistant Surveyor, or District Surveyor, be forthwith removed, it shall and may be lawful for the Surveyor, Assistant Surveyor, or District Surveyor, by Order in Writing from any One Justice, to clear the said Highway by removing the said Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing as aforesaid, and to dispose of the same, and to apply the Proceeds arising therefrom towards the Repairs of the Highway within the Parish in which such Highway may be situate: Provided nevertheless, that if any Soil, Ashes, or Rubbish shall be laid on any Highway, and such Soil, Ashes, or Rubbish shall not be of sufficient Value to defray the Expence of removing them, the Person who laid or deposited such Soil, Ashes, or Rubbish shall repay to the said Surveyor, Assistant Surveyor, or District Surveyor the Money which he shall have necessarily expended for the Removal thereof, which Money, in case the same shall not be forthwith repaid, shall be levied as Forfeitures are herein directed to be levied.

Surveyor to impound Cattle found straying on Highways until the Penalty herein imposed and the Charges are paid.

LXXXIV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying, or being depastured, on any Highway or on the Sides thereof, without a Keeper, (except on such Parts of any Road as lead or pass through or over any Common or Waste or uninclosed Ground,) any Surveyor, or any other Person authorized by him, is hereby required to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound (if any) of the Parish where the same shall be found, or in such other Place as the Surveyor shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded pay any Sum not exceeding One Shilling, together with the reasonable Charges and Expences, such Charges and Expences to be settled by any Two Justices of the Peace, of impounding and keeping the same, to the Surveyor of the Parish in which the Beast so impounded shall have been found, the said Sum so paid for each Beast to be applied to the Repair of the said Highway; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, (Notice being thereof first given to the Owner, if known at the Time,) it shall and may be lawful for any Two Justices of the Peace to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle to be sold, except where it shall be made to appear to such Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner of such Inclosure, nor employed by such  
Owner,

Owner, or that it arose from Accident, and was not wilful, in which Case such Justices may remit the said Penalty ; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been ; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within One Calendar Month after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of One Shilling is herein directed to be applied : Provided always, that no Owner of any Horac, Ass, Sheep, Swine, or other Beast or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Twenty Shillings, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded at One Time: And provided always, that nothing in this Act shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Highway.

Limiting the Extent of Penalty.

Right of Pasturage not taken away.

LXXV. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be so impounded, or in the Way to or from any such Pound or Place, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any Two of His Majesty's Justices of the Peace, either upon Confession of the Party or Parties offending, or upon Oath of One credible Witness, forfeit and pay any Sum not exceeding Twenty Pounds, at the Discretion of the said Justices, and in default thereof be committed by such Justices, by Warrant under their Hands and Seals, to the House of Correction of the County wherein the said Offence shall have been committed, there to be kept to hard Labour for any Time, at the Discretion of the Justices, not exceeding Three Calendar Months.

Punishing Persons guilty of Pound-breach.

LXXVI. And be it further enacted, That the Owner of every Waggon, Cart, or other such Carriage shall paint or cause to be painted in One or more straight Line or Lines, upon some conspicuous Part of the Right or Off Side of his Waggon, Cart, or other such Carriage, or upon the Off-side Shafts thereof, before the same shall be used on any Highway, his Christian Name and Surname, or the Style and Title by which he is commonly designated, and the Place of his Trade or Abode, or the Christian and Surname and Place of Trade or Abode of a Partner or Owner thereof, at full Length, in large legible Letters in White upon

Names of Owners to be painted on all Waggons, &c. in the Manner herein mentioned.

Black or Black upon White, not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Cart, or other such Carriage shall be used upon any Highway; and every Owner of any Waggon, Cart, or other such Carriage who shall use or allow the same to be used on any Highway without the Name and Descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious Name or Place of Trade or Abode on such Waggon or Cart or other such Carriage, shall forfeit and pay, on Conviction, for every such Offence a Sum not exceeding Forty Shillings, with or without Costs, as to the Justices before whom the Conviction shall take place shall think fit.

One Driver may take charge of Two Carts, provided they are drawn only by One Horse each.

LXXVII. And be it further enacted, That no One Person shall act as the Driver of more than Two Carts, Waggons, or other such Carriages on any Highway: Provided always, that it shall and may be lawful for any One Person to act as the Driver of Two Carts, Waggons, or other such Carriages on any Highway, and for such Carts to pass and travel on any Highway being only under the Care and Superintendence of such single Person: Provided always, that such Carts, Waggons, or other Carriages, when under the Care of only One Person, shall not be drawn by more than One Horse each, and the Horse of the hinder Cart, Waggon, or other Carriage shall be attached by a Rein in Length not exceeding Four Feet to the Back of the Cart, Waggon, or other Carriage which shall be foremost; and in case the said Horse shall not be so attached, the Driver of the said Carts, Waggons, or other Carriages shall forfeit, on Conviction, the Sum of Twenty Shillings, to be recovered as other Penalties are by this Act to be recovered.

Drivers of Waggons or Carts not to ride thereon, &c.

LXXVIII. And be it further enacted, That if the Driver of any Waggon, Cart, or other Carriage of any Kind shall ride upon any such Carriage, or upon any Horse or Horses drawing the same, on any Highway, not having some other Person on Foot or on Horseback to guide the same (such Carriages and Carts as are driven with Reins, and are conducted by some Person holding the Reins of all the Horses drawing the same, excepted); or if the Driver of any Carriage whatsoever on any Part of any Highway shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person, Horse, Cattle, or Goods conveyed in any Carriage passing or being upon such Highway, or shall quit the same and go on the other Side of the Hedge or Fence inclosing the same, or negligently or wilfully be at such Distance from such Carriage or in such a Situation whilst it shall be passing upon such Highway that he cannot have the Direction and Government of the Horses or Cattle drawing the same, or shall leave any Cart or Carriage on such Highway so as to obstruct the Passage thereof; or if any Person shall drive or act as the Driver of any Waggon, Cart, or other such Carriage not having the Owner's Name as hereby required painted and remaining legible thereon, and shall refuse to tell or to discover the true Christian and Surname of the Owner or principal Owners of such Waggon, Cart, or Carriage; or if the Driver of any Waggon, Cart, or other Carriage whatsoever, or of any Horses, Mules, or other Beast of Draught or Burthen, meeting any other Waggon,

Drivers causing Hurt or Damage to others, or quitting the Road, or driving Carriage without Owner's Name, or not keeping the Left or Near Side, or interrupting free Passage, if not the Owner to forfeit 20s.; if he be the Owner, 40s.

Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, shall not keep his Waggon, Cart, or Carriage, or Horses, Mules, or other Beast of Burthen, on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, or any Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, under his Care, upon such Highway, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Person, Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, on any Highway, or shall not keep his Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, on the Left or Near Side of the Road, for the Purpose of allowing such Passage; or if any Person riding any Horse or Beast, or driving any Sort of Carriage, shall ride or drive the same furiously so as to endanger the Life or Limb of any Passenger; every Person so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice, or by the Oath of One or more credible Witnesses, before any Two Justices of the Peace, shall, in addition to any Civil Action to which he may make himself liable, for every such Offence forfeit any Sum not exceeding Five Pounds in case such Driver shall not be the Owner of such Waggon, Cart, or other Carriage, and in case the Offender be the Owner of such Waggon, Cart, or other Carriage, then any Sum not exceeding Ten Pounds, and in either of the said Cases shall, in default of Payment, be committed to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding Six Weeks, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be conveyed before any Justice of the Peace, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to discover his Name, it shall and may be lawful for the said Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

Proceeding if  
Driver will not  
discover his  
Name.

LXXIX. ' And whereas Offences may be committed against this Act by Persons whose Names are unknown to the Surveyor, Assistant Surveyor, or District Surveyor; be it therefore enacted, That it shall be lawful for the Surveyor, Assistant Surveyor, or District Surveyor, or any Person acting under his Authority, and such other Person as he shall call to his Assistance, or any other Person witnessing the Commission of the Offence, without any other Authority than this Act, to seize and detain such unknown Person who shall commit any such Offence, and take him forthwith before any Justice of the Peace, who shall

For securing  
unknown  
Offenders.

proceed and act with respect to such Offence according to the Provisions of this Act.

Cartways to be Twenty Feet wide, Horseways Eight Feet, and Footways Three Feet.

LXXX. And be it further enacted, That the said Surveyor shall and he is hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public Cartway leading to any Market Town Twenty Feet wide at the least, and every public Horseway Eight Feet wide at the least, and to support and maintain every public Footway by the Side of any Carriageway or Cartway Three Feet at the least, if the Ground between the Fences including the same will admit thereof: Provided nevertheless, that nothing herein contained shall require any Surveyor to make or form any public Footway without the Consent of the Inhabitants in Vestry assembled.

Width of Gates across public Cartways and Horseways.

LXXXI. And be it further enacted, That if any Gate across any public Cartway shall be less than Ten Feet wide, or any Gate across any public Horseway shall be less than Five Feet wide, clear between the Posts thereof, then and in every such Case, upon Notice in Writing from the Surveyor to the Person to whom such Gate shall belong, left at the Dwelling House of such Person or his Steward or Agent, requiring him to enlarge the same, if such Person shall neglect for the Space of Twenty-one Days after such Notice shall have been left as aforesaid to remove or enlarge such Gate, he shall forfeit a Sum not exceeding Ten Shillings for every Day he shall so neglect to remove or to enlarge such Gate as aforesaid.

Justices may order narrow Highways to be widened.

LXXXII. Provided always, and be it further enacted, That where it shall appear, upon the View of Two Justices of the Peace, that any Highway is not of sufficient Breadth, and might be widened and enlarged, such Justices shall and they are hereby empowered, within their respective Divisions, to order such Highway respectively to be widened and enlarged in such Manner as they shall think fit, so that the said Highway, when widened and enlarged, shall not exceed Thirty Feet in Breadth; and that neither of the said Powers do extend to pull down any House or Building, or to take away the Ground of any Garden, Lawn, Yard, Court, Park, Paddock, planted Walk, Plantation, or Avenue to any House, or any inclosed Ground set apart for Building Ground or as a Nursery for Trees; and for the Satisfaction of the Person, Body Politic or Corporate, who is seized or possessed of or interested in their own Right, or in Trust for any other Person, in the said Ground that shall be laid into the said Highway respectively so to be widened and enlarged, the said Surveyor, under the Direction and with the Approbation of the said Justices in Writing, shall and is hereby empowered to make an Agreement with him for the Recompence to be made for such Ground, and for the making such new Ditches and Fences as shall be necessary, according and in proportion to their several and respective Interests therein, and also with any other Person, Body Politic or Corporate, that may be injured by the widening and enlarging such Highway, for the Satisfaction to be made to him respectively as aforesaid; and if the said Surveyor, under the Direction and with the Approbation of the said Justices, cannot agree with the said Person, Body Politic or Corporate, or if

Surveyor to agree with Owners of Lands for Recompence, and if they cannot agree the same may be assessed by a Jury at the Quarter Sessions.



if he cannot be found, or shall refuse to treat or take such Recompence or Satisfaction as shall be offered to them respectively by such Surveyor, then the Justices of the Peace at any General Quarter Sessions to be holden for the Limit wherein such Ground shall lie, upon Certificate in Writing signed by the Justices making such View as aforesaid of their Proceedings in the Premises, and upon Proof of Fourteen Days Notice in Writing having been given by the Surveyor of such Parish to the Owner, Occupier, or other Person, Body Politic or Corporate, interested in such Ground, or to his Guardian, Trustee, Clerk, or Agent, signifying an Intention to apply to such Quarter Sessions for the Purpose of taking such Ground, shall impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and the said Jury shall, upon their Oaths, to the best of their Judgment, assess the Damages to be given and Recompence to be made to the Owners and others interested as aforesaid in the said Ground for their respective Interests, as they shall think reasonable, not exceeding Forty Years Purchase for the clear yearly Value of the Ground so laid out, and likewise such Recompence as they shall think reasonable for the making of new Ditches and Fences on the Side of the said Highway that shall be so widened and enlarged, and also Satisfaction to any Person, Body Politic or Corporate, that may be otherwise injured by the widening and enlarging the said Highways respectively; and upon Payment or Tender of the Money so to be awarded and assessed to the Person, Body Politic or Corporate, entitled to receive the same, or leaving it in the Hands of the Clerk of the Peace of such Limit, in case such Person, Body Politic or Corporate, cannot be found or shall refuse to accept the same, for the Use of the Owner or of others interested in the said Ground, the Interest of the said Person, Body Politic or Corporate, in the said Ground shall be for ever divested out of them; and the said Ground, after such Agreement or Verdict as aforesaid, shall be esteemed and taken to be a public Highway to all Intents and Purposes whatsoever; saving nevertheless to the Owner of such Ground all Mines, Minerals, and Fossils lying under the same which can or may be got without breaking the Surface of the said Highway, and also all Timber and Wood growing upon such Ground, to be felled and taken by such Owner within One Month after such Order shall have been made, or in default thereof to be felled by the said Surveyor within the respective Months aforesaid, and laid upon the Land adjoining, for the Benefit of the said Owner; and where there shall not appear sufficient Money in the Hands of the Surveyor for the Purpose aforesaid, then the said Two Justices in Cases of Agreement, or the said Court of Quarter Sessions after such Verdict as aforesaid, shall direct the Surveyor to make, collect, and levy an equal Rate in the same Manner as the Rate by this Act authorized to be made, and to pay the Money to the Person, Body Politic or Corporate, so interested, in such Manner as the said Justices or Court of Quarter Sessions respectively shall direct and appoint; and the Money thereby raised shall be employed and accounted for, according to the Order and Direction of the said Justices or Court of Quarter Sessions respectively,

On Payment of Money assessed, Ground to be deemed a public Highway.

Where there is not Money sufficient, a further Rate may be made, by Order of the Justices at their Quarter Sessions, not exceeding One Third of Rate.

for and towards the purchasing the Land to widen and enlarge the said Highway, and for making the said Ditches and Fences, and also Satisfaction for the Damages sustained thereby; provided that no such Rate to be made in any One Year shall exceed One Third Part of the Rate by this Act authorized to be levied, in addition to the Rate for the Repair of the Highways.

Cost of Proceedings, by whom payable.

LXXXIII. And be it further enacted, That in case such Jury shall give in and deliver a Verdict for more Monies as a Recompence for the Right, Interest, or Property of any Person, Body Politic or Corporate, in such Lands or Grounds, or for the making such Fence, or for such Damage or Injury to be sustained by him as aforesaid, than what shall have been proposed and offered by the said Surveyor before such Application to the said Court of Quarter Sessions as aforesaid, that then and in such Case the Costs and Expences attending the said several Proceedings shall be borne and paid by the Surveyor out of the Monies in his Hands or to be assessed and levied by virtue and under the Powers of this Act; but if such Jury shall give and deliver a Verdict for no more or for less Monies than shall have been so offered and proposed by the said Surveyor before such Application to the said Court of Quarter Sessions, that then the said Costs and Expences shall be borne and paid by the Person, Body Politic or Corporate, who shall have refused to accept the Recompence and Satisfaction so offered to him as aforesaid.

Previous to a Highway being stopped up, &c. Surveyor to request Justices to view the same.

LXXXIV. And be it further enacted, That when the Inhabitants in Vestry assembled shall deem it expedient that any Highway should be stopped up, diverted, or turned, either entirely or reserving a Bridleway or Footway along the Whole or any Part or Parts thereof, the Chairman of such Meeting shall, by an Order in Writing, direct the Surveyor to apply to Two Justices to view the same, and shall authorize him to pay all the Expences attending such View, and the stopping up, diverting, or turning such Highway, either entirely or subject to such Reservation as aforesaid, out of the Money received by him for the Purposes of this Act: Provided nevertheless, that if any other Party shall be desirous of stopping up, diverting, or turning any Highway as aforesaid, he shall, by a Notice in Writing, require the Surveyor to give Notice to the Churchwardens to assemble the Inhabitants in Vestry, and to submit to them the Wish of such Person; and if such Inhabitants shall agree to the Proposal, the said Surveyor shall apply to the Justices as last aforesaid for the Purposes aforesaid; and in such Case the Expences aforesaid shall be paid to such Surveyor by the said Party, or be recoverable in the same Manner as any Forfeiture is recoverable under this Act; and the said Surveyor is hereby required to make such Application as aforesaid.

Proceedings for diverting, &c. certain Highways, and stopping up unnecessary Highways.

LXXXV. And be it further enacted, That when it shall appear upon such View of such Two Justices of the Peace, made at the Request of the said Surveyor as aforesaid, that any public Highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the Public, and the Owner of the Lands or Grounds through which such new Highway so proposed to be made shall consent thereto by Writing under his Hand, or if it shall appear upon such View

View that any public Highway is unnecessary, the said Justices shall direct the Surveyor to affix a Notice in the Form or to the Effect of Schedule (No. 19.) to this Act annexed in legible Characters, at the Place and by the Side of each End of the said Highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same Notice in One Newspaper published or generally circulated in the County where the Highway so proposed to be diverted and turned or stopped up either entirely or subject as aforesaid, (as the Case may be,) shall lie, for Four successive Weeks next after the said Justices have viewed such public Highway, and to affix a like Notice on the Door of the Church of every Parish in which such Highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any Part thereof, shall lie, on Four successive *Sundays* next after the making such View; and the said several Notices having been so published, and Proof thereof having been given to the Satisfaction of the said Justices, and a Plan having been delivered to them at the same Time particularly describing the old and the proposed new Highway, by Metes, Bounds, and Admeasurement thereof, which Plan shall be verified by some competent Surveyor, the said Justices shall proceed to certify under their Hands the Fact of their having viewed the said Highway as aforesaid, and that the proposed new Highway is nearer or more commodious to the Public; and if nearer, the said Certificate shall state the Number of Yards or Feet it is nearer, or if more commodious, the Reasons why it is so; and if the Highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the Certificate shall state the Reason why it is unnecessary; and the said Certificate of the said Justices, together with the Proof and Plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said Certificate, be lodged with the Clerk of the Peace for the County in which the said Highway is situated, and shall (at the Quarter Sessions which shall be holden for the Limit within which the Highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the Expiration of Four Weeks from the Day of the said Certificate of the said Justices having been lodged with the Clerk of the Peace as aforesaid,) be read by the said Clerk of the Peace in open Court; and the said Certificate, together with the Proof and Plan as aforesaid, as well as the Consent in Writing of the Owner of the Land through which the new Highway is proposed to be made, shall be enrolled by the Clerk of the Peace amongst the Records of the said Court of Quarter Sessions: Provided always, that any Person whatever shall be at liberty, at any Time previous to the said Quarter Sessions, to inspect the said Certificate and Plan so as aforesaid lodged with the said Clerk of the Peace, and to have a Copy thereof, on Payment to the Clerk of the Peace at the Rate of Sixpence *per* Folio, and a reasonable Compensation for the Copy of the Plan.

LXXXVI. Provided always, and be it further enacted, That in any Case where it is proposed to stop up or divert more than One Highway, which Highways shall be deemed to be so connected

As to stopping  
up more than  
One Highway.

nected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different Highways in One Order or Certificate.

Court may confirm Order for so doing wholly or in part.

**LXXXVII.** Provided also, and be it further enacted, That in the Event of any Appeal being brought against the Whole or any Part or Parts of any Order or Certificate for diverting more Highways than One, it shall be lawful for the Court to decide upon the Propriety of confirming the Whole or any Part or Parts of such Order or Certificate without Prejudice to the remaining Part or Parts thereof.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up, &c. may appeal.

**LXXXVIII.** Provided always, and be it further enacted, That when any such Certificate shall have been so given as aforesaid it shall and may be lawful for any Person who may think that he would be injured or aggrieved if any such Highway should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new Highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary Highway should be ordered to be stopped up as aforesaid, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the Surveyor Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds of such Appeal, who is hereby required, within Forty-eight Hours after the Receipt of such Notice, to deliver a Copy of the same to the Party by whom he was required to apply to the Justices to view the said Highway; provided that in all Cases where the said Surveyor shall have been directed by the Inhabitants in Vestry assembled to apply to such Justices as aforesaid, then the said Surveyor shall not be required to deliver a Copy of such Notice to any Party: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether new Highway is nearer, &c.

**LXXXIX.** And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the proposed new Highway is nearer or more commodious to the Public, or whether the public Highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the proposed new Highway is nearer or more commodious to the Public, or that the public Highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and make the Order herein mentioned for diverting and turning and stopping up such Highway either entirely or subject as aforesaid, or for diverting, turning, and stopping up of such old Highway, and purchasing the Ground and Soil for such new Highway, or for stopping up such unnecessary Highway either entirely or subject

as aforesaid; but if the said Jury shall return a Verdict that the proposed new Highway is not nearer or not more commodious to the Public, or that the Highway so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the Party appealing would be injured or aggrieved, then the said Court of Quarter Sessions shall allow such Appeal, and shall not make such Order as aforesaid.

XC. And be it further enacted, That the Court of Quarter Sessions is hereby authorized and required to award to the Party giving or receiving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting or resisting such Appeal, whether the same shall be tried or not, and such Costs and Expences shall be paid by the Surveyor or other Party as aforesaid at whose Instance the Notice for diverting and turning or stopping up the Highway, either entirely or subject as aforesaid, shall have been given; and in case the said Surveyor or other Party as aforesaid shall not appear in support thereof, the said Court of Quarter Sessions shall award the Costs of the Appellant to be paid by such Surveyor or other Party as aforesaid, and such Costs shall be recoverable in the same Manner as any Penalties or Forfeitures are recoverable under this Act.

XCI. Provided always, and be it further enacted, That if no such Appeal be made, or being made shall be dismissed as aforesaid, then the Justices at the said Quarter Sessions shall make an Order to divert and turn and to stop up such Highway, either entirely or subject as aforesaid, or to divert, turn, and stop up such old Highway, and to purchase the Ground and Soil for such new Highway, or to stop up such unnecessary Highway, either entirely or subject as aforesaid, by such Ways and Means, and subject to such Exceptions and Conditions in all respects as in this Act is mentioned in regard to Highways to be widened; and the Proceedings thereupon shall be binding and conclusive on all Persons whomsoever; and the new Highways so to be appropriated and set out shall be and for ever after continue a public Highway to all Intents and Purposes whatsoever; but no old Highway (except in the Case of stopping up of such useless Highway as herein is mentioned) shall be stopped until such new Highway shall be completed and put into good Condition and Repair, and so certified by Two Justices of the Peace upon View thereof, which Certificate shall be returned to the Clerk of the Peace, and by him enrolled amongst the Records of the Court of Quarter Sessions next after such Order as aforesaid shall have been made pursuant to the Directions herein-before contained.

XCII. Provided always, and be it further enacted, That in every Case in which a Highway shall have been turned or diverted under the Provisions of this Act, the Parish or other Party which was liable to the Repair of the old Highway shall be liable to the Repair of the new Highway, without any Reference whatever to its parochial Locality.

XCIII. And be it further enacted, That the Powers and Provisions in this Act contained with respect to the widening and enlarging, diverting, turning, or stopping up any Highway shall be applicable to all Highways which any Person, Bodies Politic or Corporate, is or are bound to repair by reason of any Grant, Tenure,

Costs to be awarded in Appeal against stopping up, &c. Highway.

If no Appeal be made, or if dismissed, Sessions to make Order for diverting, &c. and the old Ways may be stopped.

New Highway shall afterwards continue a public Highway, &c.

Party liable to Repair of old Highways to repair new.

Provisions as to widening of a Highway to extend to all Highways, &c.

Justices to fix annual or other Amount payable by Party previously bound to repair.

Mode of proceeding before Justices if Highway is out of repair.

Tenure, Limitation, or Appointment of any charitable Gift, or otherwise howsoever; and that when such last-mentioned Highways are so widened or enlarged, turned or diverted, the same shall and may, by an Order of the Justices at a Special Sessions for the Highways, be placed under the Control and Care of the Surveyor of the Parish in which such Highways may be situate, and shall be from Time to Time thereafter repaired and kept in repair by the said Parish: Provided also, that the said Highways so widened, enlarged, diverted, or turned shall be viewed by Two Justices of the Peace, who shall make a Report thereof to the Justices at a Special Sessions for the Highways; and such last-mentioned Justices shall, by an Order under their Hands, fix the proportionate Sum which shall be annually paid, or shall fix a certain Sum to be paid, by such Person, Bodies Politic or Corporate, his or their Heirs, Successors, or Assigns, to the said Surveyors of the Parish, in lieu of thereafter repairing the said Part of the said old Highway; and the Order of the said last-mentioned Justices shall be and continue binding on all such Person, Bodies Politic or Corporate, their Heirs, Successors, or Assigns; and in default of Payment thereof the said Surveyor shall proceed for the Recovery of the same in the Manner as any Penalties and Forfeitures are recoverable under this Act.

XCIV. And be it further enacted, That from and after the Commencement of this Act, if any Highway is out of repair or is not well and sufficiently repaired and amended, and Information thereof, on the Oath of One credible Witness, is given to any Justice of the Peace, it shall and may be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the Parish, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned, to be held within the Division in which the said Highway may be situate; and the said Justices shall either appoint some competent Person to view the same, and report thereon to the Justices in Special Sessions assembled, on a certain Day and Place to be then and there fixed, at which the said Surveyor of the Highways or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Special Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the said Person so appointed by them to view, or on the View of such Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Special Sessions shall convict the said Surveyor or other Party liable to the Repair of the said Highway in any Penalty not exceeding Five Pounds, and shall make an Order on the said Surveyor, or other Person or Bodies Politic or Corporate liable to repair such Highway, by which Order they shall limit and appoint a Time for the repairing of the same; and in default of such Repairs being effectually made within the Time so limited, the said Surveyor, or such other Person or Body Politic or Corporate as aforesaid, shall forfeit and pay to some Person to be named and appointed in a Second Order a Sum of Money

Money to be therein stated, and which shall be equal in Amount to the Sum which the said Justices shall, on the Evidence produced before them, judge requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under this Act, and such Money when recovered shall be applied to the Repair of such Highway; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their said Order what Proportion shall be paid by each of the said Parties: Provided, that if the said Highway so out of repair is a Part of the Turnpike Road, the said Justices shall summon the Treasurer or Surveyor or other Officer of such Turnpike Road, and the Order herein directed to be made shall be made on such Treasurer or Surveyor or other Officer as aforesaid, and the Money therein stated shall be recoverable as aforesaid: Provided nevertheless, that the said Justices shall not have Power to make such Order as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

In what Cases Justices cannot interfere.

XCIV. And be it enacted, That if on the Hearing of any such Summons respecting the Repair of any Highway the Duty or Obligation of such Repairs is denied by the Surveyor on behalf of the Inhabitants of the Parish, or by any other Party charged therewith, it shall then be lawful for such Justices and they are hereby required to direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway shall be, against the Inhabitants of the Parish or the Party to be named in such Order for suffering and permitting the said Highway to be out of repair; and the Costs of such Prosecution shall be directed by the Judge of Assize before whom the said Indictment is tried, or by the Justices at such Quarter Sessions, to be paid out of the Rate made and levied in pursuance of this Act in the Parish in which such Highway shall be situate: Provided nevertheless, that it shall be lawful for the Party against whom such Indictment shall be so preferred at the Quarter Sessions as aforesaid to remove such Indictment by Certiorari or otherwise into His Majesty's Court of King's Bench.

Mode of proceeding if Obligation to repair is disputed.

XCVI. And be it further enacted, That no Fine, Issue, Penalty, or Forfeiture for not repairing the Highway, or not appearing to any Indictment for not repairing the same, shall hereafter be returned into the Court of Exchequer or other Court, but shall be levied by and paid into the Hands of such Person residing in or near the Parish where the Road shall lie, as the Justices or Court imposing such Fines, Issues, Penalties, or Forfeitures shall order and direct, to be applied towards the Repair and Amendment of such Highway; and the Person so ordered to receive such Fine shall and is hereby required to receive, apply, and account for the same according to the Direction of such Justices or Court, or in default thereof shall forfeit Double the Sum received; and if any Fine, Issue, Penalty, or Forfeiture to be imposed for not repairing the Highway, or not appearing as aforesaid, shall hereafter be levied on any Inhabitant of such Parish,

Fines, Penalties, and Forfeitures how to be levied and applied.

Township,

Township, or Place, then such Inhabitant shall and may make his Complaint to the Justices at a Special Sessions for the Highways; and the said Justices are hereby empowered and authorized, by Warrant under their Hands, to make an Order on the Surveyor of the Parish for Payment of the same out of the Money receivable by him for the Highway Rate, and shall within Two Months next after Service of the said Order on him pay unto such Inhabitant the Money therein mentioned.

Justices empowered to award Costs to Defendant where Information, &c. is withdrawn or dismissed.

XCVII. And be it further enacted, That if any Surveyor or other Person shall be summoned before any Justice to answer any Information or Complaint exhibited or made against him touching or concerning any Offence committed or alleged to have been committed by such Surveyor or other Person against the Provisions of this Act, or for any supposed Neglect of Duty, in case such Surveyor or other Person be convicted thereof, such Justice shall be authorized and empowered to order the Payment by such Surveyor or other Person of all Costs or Proceedings against him; but in case such Information or Complaint shall afterwards be withdrawn or quashed or dismissed, or if the Defendant shall be acquitted of the Offence or Neglect of Duty charged against him, it shall be lawful for such Justices to order and award that the Person exhibiting or making such Information or Complaint shall pay to the Defendant all such Costs as to such Justice shall seem reasonable; and in default of immediate Payment of the Sum so awarded, it shall be lawful for such Justices to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same, together with the Costs of such Distress and Sale; and if Goods and Chattels of such Person sufficient to answer the Sum so awarded, with such Costs as aforesaid, cannot be found, it shall be lawful for such Justices to commit such Person to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding One Calendar Month, unless the Sum so awarded, together with all Costs and Expences, shall be sooner paid and satisfied.

Court may award Costs to the Prosecutor.

XCVIII. And be it further enacted, That it shall and may be lawful for the Court before whom any Indictment shall be preferred for not repairing Highways to award Costs to the Prosecutor, to be paid by the Person so indicted, if it shall appear to the said Court that the Defence made to such Indictment was frivolous or vexatious.

No Presentment against Inhabitants, &c.

XCIX. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful to take or commence any legal Proceeding, by Presentment, against the Inhabitants of any Parish, or other Person, on account of any Highway or Turnpike Road being out of repair.

Inhabitants and Officers in Parishes may give Evidence.

C. And be it further enacted, That no Person shall be deemed incompetent to give Evidence or be disqualified from giving Testimony or Evidence in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or by virtue of this Act, by reason of being an Inhabitant of the Parish in which any Offence shall be committed, or of being a Treasurer, Clerk, Surveyor, District Surveyor, Assistant

Surveyor,



Surveyor, Collector, or other Officer appointed by virtue of this Act, nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

CI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture is recoverable before Justices of the Peace under this Act, it shall and may be lawful for any Justice to whom Complaint shall be made of any such Offence to summon the Party complained against before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; 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 was exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

CII. And be it further enacted, That if any Person, after having been paid or tendered a reasonable Sum of Money for his Costs, Charges, and Expences, shall be summoned as a Witness to give Evidence before any Justices of the Peace touching any Matter or Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall (after having been paid or tendered a reasonable Sum for his Costs, Charges, and Expences,) refuse to be examined upon Oath and give Evidence before such Justice of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Compelling Witnesses to attend and give Evidence.

CIII. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any Offence against the same, and all Balances due from a Surveyor, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying, recovering, and applying of which is not hereby otherwise particularly directed,) shall, upon Proof and Conviction of the Offences respectively before any Two or more Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are in every Case hereby fully authorized to administer), or upon Order made as aforesaid, be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands of Two or more Justices before whom the Party may have been convicted (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justices as aforesaid to order

Forfeitures, Costs, and Charges may be levied by Distress and Sale.

order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices as aforesaid, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day not being later than Seven Days from the Time of taking any such Security, and which Security the said Justices as aforesaid are hereby empowered to take by way of Recognizance or otherwise; or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that he hath not Goods or Chattels within the Jurisdiction of such Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justices may, at their Discretion, without issuing any Warrant of Distress, commit the Offender for such Period of Time, and in such and like Manner, as if a Warrant of Distress had been issued, and Nulla bona returned thereon; but if a Warrant of Distress shall be issued, and upon the Return thereof it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Forfeiture, or Fine, and Costs and Expences aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender, or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, or Fine, Costs and Expences, could be levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant, but in such Case such Justices are hereby required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the Offender shall be or reside, there to be kept to hard Labour for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Surveyor of the Parish where such Offence, Neglect, or Default shall happen, to be applied towards the Repair of the Highways thereof, unless otherwise directed by this Act; but in case the Surveyor shall be the Informer, then the whole shall be applied towards the Repair of such Highway.

Application of Penalties.

Satisfaction recoverable for special Damage; but Distress not unlawful for Want of Form.

Plaintiff not to recover for Irregularity if Tender of

CIV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done in making the Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed

committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings or Orders and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Amends be made.

CV. Provided also, and be it further enacted, That if any Person shall think himself aggrieved by any Rate made under or in pursuance of this Act, or by any Order, Conviction, Judgment, or Determination made, or by any Matter or Thing done, by any Justice or other Person in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices at the next General or Quarter Sessions of the Peace to be held for the County, Division, Riding, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to the Surveyor or Surveyors, or to such Justice or other Person by whose Act such Person shall think himself aggrieved, Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of such Appeal, within Fourteen Days after such Rate shall have been made, or Cause of Complaint shall have arisen, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever: Provided nevertheless, that in case there shall not be Time to give such Notice and enter into such Recognizance as aforesaid before the next Sessions to be holden after the making of any Rate or the Cause of Complaint shall have arisen, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Appeal may be made to Quarter Sessions against Rate, &c.

CVI. And be it further enacted, That in all Cases of Appeal against the Rate or Assessment made in pursuance of this Act the several Provisions and Enactments contained in a certain Act made and passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better Collection of the Rates made for the Relief of the Poor*, shall be applicable thereto, as if the same had been repeated and re-enacted in this Act with respect to such Appeals.

Provisions of 41 G. 3. c. 23. applicable to this Act.

Rates and Proceedings not to be quashed for Want of Form.

CVII. Provided always, and be it further enacted, That no Rate, nor any Proceeding to be had touching the Conviction of any Offender against this Act, or any Order made, or any other Matter or Thing done or transacted in or relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removeable (except as herein mentioned) by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

In case of Appeal, Sessions may grant a special Case.

CVIII. And be it further enacted, That in any Case of Appeal the Court of Quarter Sessions before whom the same is heard and determined may, if they think fit, state the Facts specially for the Determination of His Majesty's Court of King's Bench thereon, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into the said Court of King's Bench.

Limitation of Actions.

CIX. And be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given thereof in Writing to the Justice, Surveyor, or Person against whom such Action is intended to be brought, nor after sufficient Satisfaction or Tender of Satisfaction has been made to the Party aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and every special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if, upon any Demurrer in such Action, Judgment shall be given for the Defendant therein, then and in any of the Cases aforesaid such Defendant shall have Costs as between Attorney and Client, and shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

Defendant may plead the General Issue.

Costs.

Amount of Fees.

CX. And be it further enacted, That the several Fees hereafter limited and expressed, and no others, shall be taken by the Clerk of the Peace, Clerk to the Justices, or others, for their several respective Services in the Execution of this Act; (that is to say,) the Sum of Sixpence for every Information; the Sum of One Shilling for every Summons or Warrant, and Sixpence for the Service thereof; the Sum of Sixpence for every Notice, and Sixpence for the Service thereof; the Sum of One Shilling for every Order, and Sixpence for the Service thereof; the Sum of

Two Shillings for every Warrant of Distress ; the Sum of One Shilling for every Appointment ; and the Sum of Two Shillings for every Conviction : Provided always, that in no Place regulated by a Local Act of Parliament, when the Amount of the Fees to be taken by the Clerk to the Justices, or others, in any Proceeding for the Recovery of any Rate shall be less than the Fees herein-before mentioned, shall it be lawful for such Clerk to the Justices or others to demand or take a greater Fee for any similar Proceeding under this Act than the Fee which may be mentioned or directed to be taken by such Local Act.

CXI. And be it further enacted, That if the Inhabitants of any Parish shall agree at a Vestry to defend any Indictment found against any such Parish, or to appeal against any Order made by or Proceeding of any Justice of the Peace in the Execution of any Powers given by this Act, or to defend any Appeal, it shall and may be lawful for the Surveyor of such Parish to charge in his Account the reasonable Expences incurred in defending such Prosecution, or prosecuting or defending such Appeal, after the same shall have been agreed to by such Inhabitants at a Vestry or public Meeting as aforesaid, and allowed by Two Justices of the Peace within the Division where such Highway shall be ; which Expences, when so agreed to or allowed, shall be paid by such Parish out of the Fines, Forfeitures, Payments, and Rates authorized to be collected and raised by virtue of this Act : Provided nevertheless, that if the Money so collected and raised is not sufficient to defray the Expences of repairing the Highways in the said Parish, as well as of defending such Prosecution, or prosecuting or defending such Appeal as aforesaid, the said Surveyor is hereby authorized to make, collect, and levy an additional Rate in the same Manner as the Rate by this Act is authorized to be made for the Repair of the Highway.

CXII. And be it further enacted, That nothing in this Act contained shall be construed to abridge, repeal, alter, amend, or interfere with the Powers and Provisions contained in an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Obstructions therein*, or the Powers and Provisions contained in any Act relating to any particular Parish or Place for any of the Purposes in this Act mentioned.

CXIII. Provided always, and be it further enacted, That nothing in this Act contained shall apply to any Turnpike Roads, except where expressly mentioned, or to any Roads, Bridges, Carriage-ways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, or Pavements, which now are or may hereafter be paved, repaired, or cleansed, broken up, or diverted, under or by virtue of the Provisions of any Local or Personal Act or Acts of Parliament.

CXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers vested by Charter or otherwise in the Chancellors, Masters, and Scholars, and their Successors, of the said Universities.

Expences for defending Prosecutions agreed upon at a Vestry Meeting, how to be paid.

Limiting Powers of 57 G. 3. c. 29.

Not to extend to Turnpike Roads, or to Roads under Local Acts.

Not to affect the Universities ;

nor the Rights  
and Liberties of  
the City of  
London ;

CXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner affect the City of *London* and the Liberties thereof, or the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor and Aldermen of the said City, or the Lord Mayor of the said City for the Time being as Conservator of the River *Thames* or otherwise, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of making this Act the said Mayor and Commonalty and Citizens, the said Lord Mayor and Aldermen of the said City, or the said Lord Mayor for the Time being as Conservator of the River *Thames* or otherwise, did or might lawfully claim, use, or exercise by any Act of Parliament or otherwise, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided, within the said City of *London* and the Liberties thereof, any thing herein contained to the contrary thereof in anywise notwithstanding.

nor the Act  
1 G. 4. c. vii.

CXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner affect the Provisions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for regulating the Repairs of Bridges in the County of Montgomery*, so far as the same relates to the Repairs of so much of the Highways as lie next adjoining to any Ends of any Bridges within the said County of *Montgomery*, the Repairs of which have already been made chargeable upon the Rates of the said County under the Provisions of the said recited Act.

Powers of  
Commissioners  
of Sewers not  
abridged.

CXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to or be deemed or construed to extend to alter, affect, restrain, or abridge the Powers or Authorities given to the Commissioners of Sewers by any Act of Parliament whatsoever, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided, any thing herein contained to the contrary thereof in anywise notwithstanding.

Concerning the  
Forms of Pro-  
ceedings.

CXVIII. And be it further enacted, That the Forms of Proceedings relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereto annexed, shall be used upon all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Exigencies of the Case ; and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person whomsoever.

Commencement  
of Act.

CXIX. And be it further enacted, That this Act shall commence and take effect from and after the Twentieth Day of *March* One thousand eight hundred and thirty-six.

Act may be  
altered, &c.

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

The SCHEDULE (stating the Forms) to which this Act refers.

## No. 1.

*Notice to Person of his having been elec'ed Surveyor.*

*A. B.* Take notice, that you were, at a Meeting held at [*insert the Name of the Parish, &c.*] on the \_\_\_\_\_ Day of \_\_\_\_\_ elected and chosen Surveyor [*or One of the Surveyors*] of the Highways for the said [*Parish, &c.*] for the Year ensuing.

Dated the \_\_\_\_\_ Day of \_\_\_\_\_

To *A. B.* of \_\_\_\_\_

*C. D.* Chairman.

## No. 2.

*Appointment of Surveyor with Salary.*

At a Meeting of the Inhabitants of \_\_\_\_\_ in Vestry assembled at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ *A. B.* was nominated, elected, and appointed a Surveyor of such Parish, for the Purpose of carrying into execution the Provisions of an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act*], for the Year ensuing; and the Salary to be allowed to the said *A. B.* was fixed at the Sum of \_\_\_\_\_ payable on \_\_\_\_\_

Dated the \_\_\_\_\_ Day of \_\_\_\_\_

*C. D.* Chairman.

## No. 3.

*Appointment of Surveyor by Justices.*

(*to wit.*) } At a Special Sessions for the Highways held at \_\_\_\_\_  
in the Division, &c. of \_\_\_\_\_ by Justices of the  
Peace for the said County acting within the said Division, &c. on the \_\_\_\_\_ Day of \_\_\_\_\_

WHEREAS it hath appeared to us the said Justices, on the Oath of *A. B.* an Inhabitant of the Parish of \_\_\_\_\_ that the Inhabitants of the said Parish in Vestry assembled have neglected [*or refused*] to nominate and elect a Surveyor in manner and for the Purposes mentioned in a certain Act made and passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] [*or that the Surveyor appointed by the Inhabitants of the said Parish is dead, or has ceased to possess the Qualification required by the said Act, or has become disqualified, or has neglected to act, or has refused to carry into operation the Duties imposed upon him by the said Act,*] we do therefore hereby appoint you *C. D.* of \_\_\_\_\_ Surveyor for such Parish for the Year ensuing [*or for the Space of \_\_\_\_\_*], with the Salary of \_\_\_\_\_ for your Trouble; and you the said *C. D.* are faithfully and truly to execute the Office of Surveyor according to the Directions of the said Statute.

Given under our Hands the Day and Year first above mentioned.

*E. F.*

*G. H.*

To *C. D.*

## No. 4.

*Form of Highway Rate.*

Names of Occupiers or Persons rated.	Description of the Premises and Property rated.	Annual Value.			Sums assessed at 10d. in the Pound.		
		£	s.	d.	£	s.	d.
A. B. - -	House and Garden -	5	0	0	0	4	2
C. D. - -	A Farmhouse, Lands, and Buildings.	100	0	0	4	3	4
E. F. - - <i>and so forth.</i>	A Warehouse - -	20	0	0	0	16	8

A. B. } Surveyor [or Surveyors] of  
C. D. } the Parish of .

## No. 5.

Weekly Account of Money expended on the Highways of the Parish  
of from the to the Day of One  
thousand eight hundred and .

Day Labour, and when performed.	Labourers Names.	No. of Days.	Rate per Day.	Team Work, and where done.			Rate.	Total Weekly Expenditure.	
				£	s.	d.		£	s.
								Day Labour	
								Contract	
								Work - }	
								Materials -	
								Team Work	
Work executed by Contract.	Persons Names.	No. of Days.	Rate per Day.	Tradesmen's Bills.			No.	Tradesmen's } Bills - }	
				£	s.	d.		£	s.
Materials got and prepared, and from whence.	Parties Names.	Quantity.	Rate per	Rent of Pits and Quarries.		Name.	Rent of } Pits and } Quarries }		
								£	s.
				Incidental Expences.			Incidental } Expences }		
							£	s.	d.



## No. 6.

*Notice of Intention to make Highway.*

I do hereby give you Notice, That after the Expiration of Three Calendar Months from the Date hereof I [*or if given by the Clerk, &c. of a Body Politic or Corporate describe them,*] do intend to make a certain Highway in the Parish of [*describing its Situation and Extent,*] and to dedicate such Highway to the Use of the Public.

Dated this                      Day of

To *E. F.*, &c.

Surveyor of the Parish }  
of

*A. B.*

or

*C. D.* [Clerk, &c.]

## No. 7.

*Certificate of Justices, of Highway having been made in a substantial Manner, &c.*

WE, Two of the Justices of the Peace in and for the County of                      having viewed a certain Highway lately made by *A. B.* in the Parish of                      in the said County, situate, &c. [*describing its Situation and Extent*], do hereby certify, That the same has been made in a substantial Manner, and of the Width required by a certain Act made and passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act.*]

Dated this                      Day of

*C. D.*

*E. F.*

## No. 8.

*Notice to remove Snow, &c.*

I *A. B.*, Justice of the Peace in and for the County of do hereby give you, the Surveyor [*or Surveyors*] of the Parish of                      Notice, That the Highway leading from to                      [*describing its Situation*] is obstructed or impeded from the Accumulation of Snow [*or from the falling down of the Banks on the Side of the said Highway, &c., as the Case may be*], and require you to cause the same to be removed.

Dated this                      Day of

*A. B.* of, &c.

To *C. D.* and *E. F.* &c. }  
Surveyors of the Parish }  
of

## No. 9.

*Schedule to be filled up by the Surveyors of Highways of all Parishes, and presented by them, with their Accounts, to the Magistrates, at the End of every Year.*

State of the Roads and Highways	{	_____
— Bridges - -	{	_____
— Causeways -	{	_____
— Hedges and Ditches	{	_____
— Watercourses -	{	_____
State all Nuisances -	{	_____
— all Encroachments -	{	_____
— the Extent of Roads and Highways the Parish is liable to repair - -	{	_____
— what Portion thereof has been repaired, and where	{	_____
— what Materials were used for such Repairs - -	{	_____
— the Expence of such Repairs - - -	{	_____
— the Amount levied during the Year - - -	{	_____

## No. 10.

*Licence from Justices at Special Sessions for the Highways for a Surveyor to dig, &c. Materials upon inclosed Lands, for the Repair of Highways.*

(to wit.) } To the Surveyor of the Parish of \_\_\_\_\_  
in the Hundred of \_\_\_\_\_ in the said  
County.

WHEREAS by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] the Surveyor is authorized to dig, get, take, and carry away Materials lying upon any Lands or Grounds within the Parish for which he is appointed, for the Use and Benefit of the Highways, but not without the Consent of the Occupier or Owner of such Lands or Grounds, or his Agent, or a Licence from the Justices at a Special Sessions for the Highways: And whereas it appears to us His Majesty's Justices of the Peace for the said County, and acting within the said [Hundred, &c.], at a Special Sessions for the

the Highways assembled, upon the Oath of *C. D.* the said Surveyor [or One of the Surveyors], that he hath applied to *A. B.* of \_\_\_\_\_ for his Consent to dig, get, take, and carry away Materials from the Lands called or known by the Names of \_\_\_\_\_ and \_\_\_\_\_ in his Occupation [or of which he is the Owner, or in the Occupation of *J. K.*, or of which *J. K.* is the Owner, and the said *A. B.* his Agent], within the said [Parish, &c.], for the Purposes aforesaid, and that the said Materials are necessary for the Repairs of the Highways, and that the said *A. B.* hath refused to permit the same to be dug, got, taken, and carried away; and the said *A. B.* having been duly summoned to appear before us, to show Cause why such Permission should not be granted, and having appeared before us accordingly, [or having sent his Steward or Agent, or *C. D.*, on his Behalf, to attend us on that Occasion, or, but not having appeared,] we have heard what has been alleged, and taken the said Matter into consideration, and are of opinion that the said Materials are necessary, and ought to be dug, got, taken, and carried away for the Purposes aforesaid: Therefore we do hereby give our Licence to the said Surveyor [or Surveyors] to dig, get, take, and carry away the same accordingly, the said Surveyor making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the said Act. Given under our Hands the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

*J. P.*  
*K. P.*

## No. 11.

*Licence from Justices at a Special Sessions for the Highways to get Materials for the Repair of the Highways in another Parish besides that wherein such Materials are to be employed.*

(to wit.) } At a Special Sessions for the Highways held at \_\_\_\_\_ in the Hundred, &c. of \_\_\_\_\_ in the said County, by Justices of the Peace for the said County acting within the said Hundred, on the \_\_\_\_\_ Day of \_\_\_\_\_

It appearing to us, upon Evidence this Day received, that sufficient Materials cannot conveniently be had within the Waste Land, Common Grounds, Rivers, or Brooks, nor in the inclosed Lands or Grounds, lying within the [Parish, &c.] of \_\_\_\_\_ in the said Hundred, for the Repairs of the Highways within the said [Parish], nor in the Waste Lands, Common Grounds, Rivers, or Brooks within the [Parish] of \_\_\_\_\_ adjoining to the said [Parish] of \_\_\_\_\_ we do hereby give our Licence to the Surveyor [or Surveyors] of the said [Parish] of \_\_\_\_\_ to search for, dig, get, and carry Materials within the inclosed Lands or Grounds of *C. D.* within the said [Parish] of \_\_\_\_\_ to be employed in the Repair of the Highways within the said [Parish] of \_\_\_\_\_ it appearing from Evidence before us, that there are proper Materials within the said Lands for the Purposes aforesaid lying convenient to the said Highways, and that after such Materials shall be so taken there will be sufficient left for the Use of the Highways within the said Parish of \_\_\_\_\_

upon

upon the said Surveyor [*or Surveyors*] making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the Act made and passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] subject to such Restrictions as are therein contained. Given under our Hands the Day and Year above written.

J.P.  
K.P.

## No. 12.

*Information to enable Justices to fix Boundaries of Highway lying in Two Parishes.*

County of } At a Special Sessions for the Highways holden,  
&c.

*I. S.*, the Surveyor [*or One of the Surveyors*] of the Parish of *A.*, came before the Justices aforesaid, and informed them, that there is in the said County a certain common Highway leading from *M.* to *N.*, and that there is a certain Part of the said Highway, that is to say, so much thereof as lies between a certain Place called *C.* and a certain other Place called *D.*, being in Length [*as the Case may be*], one Side of which last-mentioned Part of the said Highway adjoining to the Parish of *A.* lies within the said Parish of *A.*, and is to be and of right ought to be repaired by the said Parish of *A.* [*or by, &c., describing the Body Politic or Corporate, or Person, liable to the Repair,*] and that the other Side of the same Part of the said Highway adjoining to the Parish of *B.* lies within the Parish of *B.*, and is to be and of right ought to be repaired by the said Parish of *B.* [*or by, &c.*], and stating that the Repair of such Part of the said Highway is very inconvenient to the Parishes aforesaid, and the Want thereof detrimental to the Public; and therefore praying, that such Part of the said Highway may be allotted and apportioned for the Repair thereof by the Justices aforesaid to the said several Parishes of *A.* and *B.* [*or to, &c.*], in the Manner directed by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*set out Title of Act.*]

(Signed) *I. S.* One of the Surveyors of  
Parish of *A.*

The above Application was made to us  
the Day and Year first above written.

J.P.  
K.P.

## No. 13.

*Summons to be subjoined to a Copy of the above Information.*

County of } To the Surveyor [*or Surveyors*] of the Parish of *B.*  
} in the said County, any or either of them.

WHEREAS a certain Information has been given to us, His Majesty's Justices of the Peace for the said County at a Special Sessions for the Highways, by *I. S.*, the Surveyor [*or One of the Surveyors*] of the Parish of *A.* in the said County, a true Copy whereof

whereof is above written : These are, in His Majesty's Name, to summon you, any or either of you, to appear before us, at in the said County, on the Day of to show Cause (if any) why an Allotment and Apportionment of the Highways therein mentioned should not be made according to the Provisions of the Act referred to in the said Information. Hereof fail not. Given under our Hands this Day of

J.P.

K.P.

No. 14.

*Final Order and Adjudication, to be filed with the Clerk of the Peace.*

WHEREAS, &amp;c.

1.—*State the original Application.*2.—*The Summons.*3.—*The Appearance, and that the Parties were heard, or their Nonappearance.*

Now we, the Justices aforesaid, having fully heard and understood the Premises, do declare, adjudge, and order, that the said Highway shall be divided in the following Manner; (that is to say,) that at the Distance of measuring from the Place called C., there shall be erected certain Posts or Stones, E. and F., on each Side of the said Highway, and the whole of the said Highway from the Place called C. to such Posts or Stones shall be from Time to Time and at all Times hereafter repaired by the Parish of A. [or by, &c.], and the whole of the said Highway from such Posts or Stones to the Place called D. shall from Time to Time and at all Times hereafter be repaired by the Parish of B. [or by, &c.]

In witness whereof we have hereunto set our Hands this Day of

J.P. (L.S.)

K.P. (L.S.)

No. 15.

*Notice from Surveyor to remove Nuisances.*

To C.D. of

In pursuance of the Directions given by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c., I, A.B. &c., the Surveyor [or One of the Surveyors] of the Parish of do hereby give you Notice forthwith to remove the [Filth, Dung, Ashes, Rubbish, &c.] placed by you on a certain Part of the King's Highway, lying between and in the [Parish] of to the Obstruction and Annoyance of the said Highway.

Dated this Day of

A.B. &amp;c.

No. 16.

*Order of Two Justices for widening a Highway.*

(to wit.) } WE, Two of His Majesty's Justices of the Peace for the said County, acting within the [Hundred, &c.] of within the said

said County, having, upon View, found that a certain Part of the Highway between and in the [Parish, &c.] of in the said [Hundred], for the Length of Yards or thereabouts, and particularly described in the Plan hereunto annexed, is for the greatest Part thereof narrow, but may be conveniently enlarged and widened by adding thereto from the Lands and Grounds of and of the Length of Yards or thereabouts, and of the Breadth of Feet or thereabouts, particularly described in the Plan hereunto annexed, which we think will widen and enlarge the same, and be much more commodious to the Public, do hereby order, that the said Highway be widened and enlarged accordingly, and that the Surveyor [or Surveyors] of the [Parish, &c.] of where the said old Highway lies, do forthwith proceed to treat and make Agreement with the said and for the Recompence to be made for the said Ground, and for the making such Ditches and Fences as shall be necessary, in such Manner, with such Approbation, and by pursuing such Measures and Directions in all respects as are warranted and prescribed by the Statute made in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c.; and in case such Agreement shall be made as aforesaid, we do order an equal Assessment, not exceeding the Rate of in the Pound, to be made, levied, and collected upon all and every the Parties liable to the Payment of the Highway Rate in the said [Parish, &c.] of and that the Money arising thereupon be paid and applied in making such Recompence and Satisfaction as aforesaid, pursuant to the Directions of the said Act.

A. B.  
C. D.

No. 17.

*Certificate from the said Justices to the Court of Quarter Sessions.*

This is to be written upon the above Order when no Agreement can be made.

To the Justices of the Peace at their General Quarter Sessions to be held at in the said County, the Day of One thousand eight hundred and .

WE, the within-named A. B. and C. D., do hereby certify to the said Court of Quarter Sessions, that we made and signed the within Order, and that with our Approbation and by our Direction the said Surveyor [or Surveyors] has [or have] treated with the said and for the said Lands required for the Purposes aforesaid, but was not able to make any Agreement for that Purpose with them or either of them, and that he tendered to the said the Sum of and to the said the Sum of as a Recompence for the said Ground, and for the making the said Ditches and Fences, which he [or they and each of them] refused to receive.

A. B.  
C. D.

## No. 18.

*Consent from the Owner of the Land through which a new Highway is proposed to be made.*

I *A. B.* of \_\_\_\_\_ in the County of \_\_\_\_\_ being the Owner of the Lands described in the Plan hereunto annexed, through which Part of a certain Highway lying between \_\_\_\_\_ and \_\_\_\_\_ is intended to be diverted and turned, in consideration of the Sum of \_\_\_\_\_ to be paid to me for the said Land and Soil thereof, do hereby consent to the making and continuing such new Highway through my said Lands.

Given under my Hand this \_\_\_\_\_ Day of \_\_\_\_\_  
One thousand eight hundred and \_\_\_\_\_

## No. 19.

*Form of Notice of diverting, &c. Highway.*

NOTICE is hereby given, That on the \_\_\_\_\_ Day of \_\_\_\_\_ next Application will be made to His Majesty's Justices of the Peace assembled at Quarter Sessions in and for the County of \_\_\_\_\_ at \_\_\_\_\_ for an Order for [if the Order be for turning, diverting, and stopping up, &c. here to state it, and describe the Road ordered to be turned, diverted, and stopped up; if the Order be for stopping up a useless Road, here to state it, and describe the Road ordered to be stopped up]; and that the Certificate of Two Justices having viewed the same, &c., with the Plan of the old and proposed new Highway, will be lodged with the Clerk of the Peace for the said County on the \_\_\_\_\_ Day of \_\_\_\_\_ next.

*A. B.* } Surveyor [or Surveyors] of  
*C. D. &c.* } the Parish of \_\_\_\_\_

## No. 20.

*Summons for any Person or Persons to attend a Justice or Justices.*

To *A. B.*

(to wit.) } WHEREAS Complaint and Information hath been made upon Oath before me, *C. D.* One of His Majesty's Justices of the Peace for the said [County, &c.] by *E. F.* of that, &c. [here state the Nature and Circumstances of the Case, as far as it shall be necessary to show the Offence and to bring it within the Authority of the Justice; and, in doing that, follow the Words of the Act as near as may be]: These are therefore to require you personally to appear before me [or the Justices to be assembled at their Petty Sessions (or Special Sessions for the Highways) to be holden at \_\_\_\_\_ in the said County, &c.] on the \_\_\_\_\_ Day of \_\_\_\_\_ next, at the Hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to answer to the said Complaint and Information made by the said *E. F.*, who is likewise directed to be then and there present to make good the same. Herein fail not.

Given under my Hand this \_\_\_\_\_ Day of \_\_\_\_\_

## No. 21.

*Information.*

(to wit.) } Be it remembered, That on the Day of  
 A.B. of in the said County  
 informeth and maketh Oath before me One of  
 His Majesty's Justices of the Peace for the said County, that  
 of in the said County [*here describe*  
*the Offence, with the Time and Place, and follow the Words of the*  
*Act as near as may be,*] contrary to the Statute in the Fifth and  
 Sixth Year of the Reign of His Majesty King William the Fourth,  
 intituled, "An Act," &c. [*here set out Title of Act,*] which hath  
 imposed a Forfeiture for the said Offence.  
 Taken and sworn the Day of before  
 me, A.B.

## No. 22.

*Form of Conviction.*

(to wit.) } Be it remembered, That on the Day  
 of in the Year of our Lord  
 at in the County aforesaid, A.B. came before  
 us of His Majesty's Justices of the Peace for the said  
 County, and informed us, that E.F. of on  
 the Day of now last past, at  
 in the said County, did. [*set forth the Fact in*  
*the Manner described by the Act*], whereupon the said E.F., after  
 being duly summoned to answer the said Charge, appeared before  
 us on the Day of in the  
 said County, and, having heard the Charge alleged against him,  
 declared that he was not guilty of the said Offence; but the  
 same being fully proved upon the Oath of G.H. a credible Wit-  
 ness, it manifestly appears to us the said Justices that he the  
 said E.F. is guilty of the Offence charged upon him in the said  
 Information: It is therefore considered and adjudged by us the  
 said Justices, that the said E.F. be convicted, and we do hereby  
 convict him of the Offence aforesaid; and we do hereby declare  
 and adjudge that he the said E.F. hath forfeited the Sum  
 of of lawful Money of Great Britain, for the  
 Offence aforesaid, to be distributed as the Law directs, according  
 to the Form of the Statute in that Case made and provided.  
 Given, &c.

To be inserted  
when Party re-  
fuses to appear.

[*After the Words, "being duly summoned to answer the said Charge," insert "did not appear before us pursuant to the said Summons," or "did neglect and refuse to make any Defence against the said Charge;" but the same being fully proved, &c. as before.*]

To be inserted  
when Party  
confesses the  
Charge.

[*After the Words "Charge alleged against him," insert "acknowledged and voluntarily confessed the same to be true;" and it manifestly appears to us the said Justices, &c., as above.*]



## No. 23.

*Warrant to distrain for the Forfeiture.*

(to wit.) } To the Constable [Headborough or Tithingman]  
 } of

WHEREAS *A. B.* of in the said County [Yeoman, &c.] is this Day convicted before us, Two of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *G. H.* a credible Witness, for that the said *A. B.* hath [here set forth the Offence, describing it particularly in the Words of the Act, as near as may be], contrary to the Statute in that Case made and provided; by reason whereof the said *A. B.* hath forfeited the Sum of to be distributed as herein is mentioned, which he hath refused to pay: These are therefore in His Majesty's Name to command you to levy the said Sum of by Distress of the Goods and Chattels of him the said *A. B.*; and if within the Space of Four Days next after such Distress by you taken, the said Sum of together with the reasonable Charges of taking and keeping the same, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale that you do pay one Half of the said Sum of to *E. F.* of who informed me of the Offence, and the other Half of the said Sum of to *I. K.* the Surveyor of the Parish [Township or Place] where the said Offence [Neglect or Default] happened, to be employed towards the Repair of the said Highways, returning the Overplus, upon Demand, to him the said *A. B.*, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A. B.* whereon to levy the said Sum of that then you certify the same to us, together with this Warrant.

This to be varied according to the Act in each particular Case.

Given under our Hands the Day of

*C. D.*  
*E. F.*

## No. 24.

*Return of the Constable to be made upon the Warrant of Distress when there are no Effects.*

I *A. B.*, Constable of the [Parish, &c.] of in the County of do hereby certify and make Oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within-named and that I can find no sufficient Goods whereon to levy the within Sum of

As witness my Hand the Day of

*A. B.*

Sworn before me the Day and Year, &c.

*C. D.*

## No. 25.

*Commitment for Want of Distress.*

(to wit.) } To the [Constable] of \_\_\_\_\_ in the said County,  
 } and to the Keeper of the Common Gaol [or House of  
 Correction] at \_\_\_\_\_ in the said County.

WHEREAS *A. B.* of \_\_\_\_\_ in the said County, Yeoman,  
 was on the \_\_\_\_\_ Day of \_\_\_\_\_ convicted before us,  
 Two of His Majesty's Justices of the Peace in and for the said  
 County, upon the Oath of *E. F.* a credible Witness, for that he  
 the said *A. B.* [*here set forth the Offence*], contrary to the Statute  
 made in the Fifth and Sixth Year of the Reign of King William  
 the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] by  
 reason whereof the said *A. B.* hath forfeited the Sum of \_\_\_\_\_ :  
 And whereas on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year  
 aforesaid we did issue our Warrant to the [Constable] of \_\_\_\_\_  
 to levy the said Sum of \_\_\_\_\_ by Distress and Sale of the  
 Goods and Chattels of him the said *A. B.*, and to distribute the  
 same according to the Directions of the said Statute: And  
 whereas it duly appears to us upon the Oath of the said [Con-  
 stable] that the said [Constable] hath used his best Endeavours  
 to levy the said Sum on the Goods and Chattels of the said *A. B.*  
 as aforesaid, but that no sufficient Distress can be had whereon  
 to levy the same: These are therefore to command you the said  
 [Constable] of \_\_\_\_\_ aforesaid to apprehend the said *A. B.*,  
 and him safely convey to the Common Gaol [or House of Correc-  
 tion] at \_\_\_\_\_ in the said County, and there deliver him to  
 the Keeper thereof, together with this Precept: And we do  
 hereby also command you the said Keeper to receive and keep  
 in your Custody, and to keep to hard Labour, the said *A. B.* for  
 the Space of \_\_\_\_\_ unless the said Sum shall be sooner  
 paid, pursuant to the said Conviction and Warrant; and for so  
 doing this shall be your sufficient Warrant.

Given under our Hands the \_\_\_\_\_ Day of \_\_\_\_\_ in  
 the Year of our Lord \_\_\_\_\_

*C. D.*  
*E. F.*

## C A P. LI.

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 Pur-  
 poses therein mentioned. [31st August 1835.]

WHEREAS in consideration of the heavy Losses which  
 have been sustained in the Island of *Dominica*, in conse-  
 quence of Hurricanes, it is expedient that immediate Relief  
 should be granted to the Inhabitants of that Island: Be it  
 therefore enacted by the King's most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled, and  
 by the Authority of the same, That it shall and may be lawful  
 for the Lord High Treasurer, or any Three or more of the Com-  
 missioners

missioners of His Majesty's Treasury, for the Time being, by any Warrant or Warrants under his or their Hands, to direct any Sum or Sums not exceeding Twelve thousand Pounds in the whole to be issued and paid out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* for the immediate Relief of the Inhabitants of the said Island of *Dominica* who have suffered Losses in consequence of the late Hurricanes there; and such Sum or Sums not exceeding Twelve thousand Pounds in the whole shall and may be paid to such Person or Persons at such Time or Times, and in such Proportions, and under such Conditions and Restrictions, as the said Lord High Treasurer or Commissioners of His Majesty's Treasury shall think fit to direct.

II. ' And whereas by an Act passed in the Second and Third Years of His present Majesty's Reign, 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 lawful for His Majesty, in consideration of the heavy Losses which had been sustained in the Islands of *Jamaica, Barbadoes, Saint Vincent's, and Saint Lucie*, in consequence of the late Insurrections in the Island of *Jamaica* and of Hurricanes in the other Islands, to authorize and empower the Commissioners of His Majesty's Treasury to direct any Number of Exchequer Bills to the Amount of One Million to be issued to certain Commissioners constituted and appointed by that Act, to be by them advanced, under certain Regulations and Restrictions and in the Manner therein mentioned, for the Assistance and Accommodation of the said Islands, and of such Persons having Property therein and connected therewith or trading thereto as should be desirous of receiving the same, on due Security being given for the Repayment of the Sums so advanced within a limited Time: And whereas the said Commissioners, in the Execution of the said in part recited Act, have lent and advanced divers Sums of Money in the Manner by the said Act authorized, but have not yet disposed of the whole Sum of One Million by the said Act authorized to be advanced: And whereas, for the Reasons before mentioned, it is expedient that Provision should be made for granting further Relief to the said Island of *Dominica*; be it therefore further enacted, That it shall and may be lawful for the Commissioners acting in the Execution of the said recited Act to advance any Sum or Sums not exceeding in the whole Eighty thousand Pounds of Exchequer Bills, for the Assistance and Accommodation of the said Island of *Dominica*, out of such Part of the said Sum of One Million Exchequer Bills by the said Act authorized to be issued which has not already been or shall not hereafter be paid, advanced, or lent by the said Commissioners; and it shall and may be lawful for the said Commissioners to appropriate any Sum or Sums, not exceeding in the whole Eighty thousand Pounds, to the said Island of *Dominica*, and any Part of the said Sum of Eighty thousand Pounds not exceeding Ten thousand Pounds shall and may be advanced by the said Commissioners to such Persons as may be duly authorized and ap-

solidated Fund for Relief of the Sufferers by the Hurricane at *Dominica*.

Commissioners under 2 & 3 W. 4. c. 125. to advance out of the Sum of 1,000,000*l.* to them issued, 80,000*l.* for the Assistance of *Dominica*.

10,000*l.* of which may be appropriated for the Public Service on certain Conditions.

pointed by any Act passed or to be passed by the Legislature of the said Island of *Dominica* to borrow the same for the Public Service and on the Credit of the Revenues or Public Property of the said Island, upon the said Commissioners being satisfied that the said Sum so to be advanced, together with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, is duly secured by some Act passed or to be passed by the Legislature of the said Island.

Purposes for which the 80,000*l.* shall be advanced.

III. And be it further enacted, That the said Sum of Eighty thousand Pounds of the said Exchequer Bills, after deducting therefrom such Part (if any) as shall be lent for the Public Service of the said Island of *Dominica*, shall be advanced and lent by the said Commissioners for the Purpose of enabling the Owners of and Persons interested in the Estates and Property which have sustained Injury in the said Island from Hurricanes to resume the Cultivation and Habitation of such Estates and Property, and the Manufacture of the Produce of such Estates, by restoring the Works and Machinery destroyed or injured, and providing the requisite Contingencies and Supplies for such Estates and the apprenticed Labourers belonging thereto, and restoring (as far as the same can be accomplished) such Estates and Property to the Condition in which the same were before the said Injuries were sustained: Provided always, that the Amount so to be advanced and lent to such Owners of Estates and Property, and Persons interested therein, in the said Island of *Dominica*, shall not in any Case be less than the Sum of Three hundred Pounds; any thing in the said in part recited Act to the contrary notwithstanding.

Not less than 300*l.* to be advanced in any Case.

Advances under this Act to be made in the same Manner as Advances under recited Act.

IV. And be it further enacted, That all such Advances shall be made in such and the same Manner, and under and subject to such and the same Conditions, Provisions, and Restrictions, and on such Securities, and in all respects whatsoever as is provided and directed by the said in part recited Act with regard to Advances to be made to Owners and Persons interested in the Estates in the said Islands of *Jamaica*, *Barbadoes*, *Saint Vincent's* and *Saint Lucie*, and in all respects whatsoever, so far as the same can be made applicable and are not varied by this Act, as if the said Island of *Dominica* had been included in the said Act as one of the Islands to be relieved, and as if the said Commissioners had been by the said Act authorized to appropriate to the said Island of *Dominica* such a Portion of the said Million of Exchequer Bills as is hereby directed to be apportioned to the said Island of *Dominica*.

Provisions of recited Act to extend to this Act.

V. And be it further enacted, That all and every the several Clauses, Powers, Provisions, Enactments, Penalties, and Restrictions in the said Act contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such Clauses, Powers, Provisions, and Enactments were herein repeated and made applicable to the said Island of *Dominica*, and to the Loans and Grants to be made in pursuance of this Act, and to every Matter and Thing to be done in pursuance of this Act; and all and every the Securities to be taken in pursuance of this Act shall be taken in such Manner as by the said Act is directed with respect to the Securities

rities thereby authorized or directed to be taken; and all and every such Securities shall have such Force, Priority, and Effect in all respects as if they were taken in pursuance of and under the Authorities of the said in part recited Act; and all and every the Rules, Orders, and Directions made or to be made by the said Commissioners shall apply to the said Island of *Dominica*, and the Loans to be granted and the Securities to be taken in pursuance of this Act, in all respects whatsoever, as if the Loans hereby authorized to be made had been authorized by the said Act.

VI. Provided always, and be it further enacted, That nothing herein contained shall prevent the said Commissioners from making, at any Time after the passing of this Act, any Loan or Advance to any of the Owners of Estates or other Persons interested therein in the Islands of *Jamaica*, *Barbadoes*, *Saint Vincent*, and *Saint Lucie* in pursuance of the said in part recited Act.

Commissioners may make Loans under recited Act.

VII. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being to appoint Commissioners in the said Island of *Dominica* to act in their Aid and under their Directions as in the said in part recited Act is provided with regard to Commissioners in Aid to be appointed in the Islands in that Act mentioned.

Commissioners may appoint Commissioners in Aid.

VIII. And whereas it was by the said in part recited Act enacted, that the said Commissioners should receive and send by the General Post from and to Places within the United Kingdom all Letters and Packets relating solely and exclusively to the Execution of the said Act, free from the Duty of Postage, under the Regulations and in manner in the said Act provided; and it is expedient to extend such Privilege; be it therefore enacted, That the said Commissioners shall and may receive and send, by the General Post or otherwise, not only from and to Places within the United Kingdom, but also from and to Places within any of His Majesty's Colonies or Dominions, all Letters and Packets relating solely and exclusively to the Execution of the said recited Act or this Act free from the Duty of Postage, subject nevertheless to the Provisions and Regulations in the said Act contained with respect to the Letters and Packets thereby authorized to be sent and received free from the Duty of Postage.

Commissioners may send and receive Letters free of Postage.

IX. And be it further enacted, That it shall be lawful for any Two or more of the said Commissioners acting in the Execution of the said in part recited Act or of this Act to re-convey or re-assign all or any of the Securities taken or to be taken to His Majesty or otherwise under the Authority of the said in part recited Act or of this Act, or any of them, on Payment of the Monies thereby secured, or to release any Part of the Estates or Effects charged as a Security for any Loan made or to be made, in case the said Commissioners shall think fit that any of the Securities for the same should be released, either on the Substitution of any further or other Security or not, as the Case shall be.

Commissioners may re-convey Securities on Payment of the Money secured, &c.

X. And be it further enacted, That in any Case where any Mortgages or other Securities may have been made to His Majesty in pursuance of the Powers contained in the said in part recited

Where Mortgages made to His Majesty include Slaves.

it shall not be necessary for Him to make Claim for Compensation for their Services under  
3 & 4 W. 4. c. 73.

recited Act, and which said Mortgages or other Securities included any Slaves, it shall not be necessary for His Majesty, or any Person on His Behalf, unless the said Commissioners shall think fit, to make any Claim to the Monies payable by Way of Compensation for the Services of such Slaves, under or by virtue of the Provisions of an Act passed in the Third and Fourth Years of the Reign of His present Majesty for the Abolition of Slavery throughout the *British Colonies*; and that where no Claim shall have been made by or on the Behalf of His Majesty, such Compensation Money shall be in all respects freed and discharged from all Claim and Demand whatsoever of His said Majesty: Provided nevertheless, that the Omission to make such Claim by or on behalf of His Majesty shall not in anywise prejudice or affect any Security made to His Majesty, or the Priority obtained thereby, as regards the Plantations, Estates, or other Property comprised in such Security.

Act may be altered, &c.

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

### C A P. LII.

An Act to authorize the Court of Directors of the *East India Company* to suspend the Execution of the Provisions of the Act of the Third and Fourth *William the Fourth*, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra*. [31st August 1835.]

3 & 4 W. 4. c. 85.

‘ WHEREAS by an Act of Parliament made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty’s Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four*, it is among other Things enacted, that the Territories then subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into Two distinct Presidencies, one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William* in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*: And whereas much Difficulty has arisen in carrying such Enactment into effect, and the same would be attended with a large Increase of Charge: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Court of Directors of the *East India Company*, under the Direction and Control of the Board of Commissioners for the Affairs of *India*, to suspend the Execution of the Provisions of the said in part recited Act so far as the same relate to the Division of the said Territories into Two distinct Presidencies, and to the Measures consequent thereupon, for such Time and from Time to Time as the said Court of Directors, under the Direction and Control of the said Board of Commissioners, shall think fit.

East India Company may suspend Provisions of recited Act as to the Division of the Territories into Two Presidencies.

II. And

II. And be it further enacted, That for and during such Time as the Execution of such Provisions aforesaid shall be suspended by the Authority aforesaid it shall and may be lawful for the Governor General of *India* in Council to appoint from Time to Time any Servant of the *East India* Company, who shall have been Ten Years in their Service in *India*, to the Office of Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, and from Time to Time to declare and limit the Extent of the Territories so placed under such Lieutenant Governor, and the Extent of the Authority to be exercised by such Lieutenant Governor, as to the said Governor General in Council may seem fit.

Governor General, during such Suspension, may appoint a Lieutenant Governor of the North-western Provinces.

### C A P. LIII.

An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British Possessions* on the Continent and Islands of *North America*; and to make further Provision for regulating the Carriage of Passengers from the United Kingdom.

[31st August 1835.]

WHEREAS it is expedient to make Provision respecting the Carriage of Passengers from the United Kingdom to distant Countries, and for that Purpose to repeal a certain Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of North America*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed: Provided nevertheless, that all Fines, Forfeitures, and Penalties to which any Person or Persons may have become liable under the said Act shall and may be sued for, prosecuted, and recovered; and that any Right of Action which may have accrued to any Person or Persons by virtue of the said Act shall and may be enforced hereafter in such and the same Manner in all respects as if this present Act had not been made.

9 G. 4. c. 21.

Repeal of recited Act except as to Penalties incurred, and to Rights of Action which may have accrued.

II. And be it further enacted, That no Ship carrying Passengers from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, shall proceed on her Voyage with more Persons on board than in the Proportion of Three Persons for every Five Tons of the registered Burthen of such Ship, the Master and Crew being included in and forming a Part of such prescribed Number; and that no such Ship having more than One Deck shall carry any Passengers upon any such Voyage as aforesaid unless she shall be of the Height of Five Feet and a Half at the least between Decks; and that no such Ship having only One Deck shall carry any Passengers upon any such Voyage

No Ship to sail with more than Three Persons on board for every Five Tons of Burthen.

Ships carrying Passengers to be 5½ Feet between Decks.

When only Two Tiers of Berths, the Floor of the lower Tier to be Six Inches above the Deck.

Regulating the Quantity of Water and Provisions to be carried by every Vessel with Passengers on board.

Number of Weeks requisite for Voyage.

Officers of Customs to examine Provisions and Water before Departure of

as aforesaid unless a Platform shall be laid beneath such Deck in such a Manner as to afford a Space of the Height of at least Five Feet and a Half, and that no such Ship shall have more than Two Tiers of Berths; and that no such Ship having Two Tiers of Berths shall carry any Passengers on any such Voyage as aforesaid unless there shall be an Interval of Six Inches at the least between the Deck or Platform and the Floor of the lower Tier throughout the whole Extent thereof: Provided always, that, whatever may be the Tonnage of the Ship, no greater Number of Persons as Passengers shall be taken on board than shall be after the Rate of One such Person for every Ten Superficial Feet of the lower Deck or Platform unoccupied by Goods or Stores, not being the personal Luggage of such Persons, if such Ship shall not have to pass the Line on her Voyage, or after the Rate of One such Person for every Fifteen such clear Superficial Feet if such Ship shall have to pass the Line.

III. And be it further enacted, That no Ship carrying Passengers on any such Voyage as aforesaid shall be cleared out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, unless and until there shall be actually laden and on board such Ship good and wholesome Provisions for the Use and Consumption of the said Passengers, over and above the victualling of the Crew, to the Amount or in the Proportion following; that is to say, a Supply of pure Water to the Amount of Five Gallons to every Week of the computed Voyage for every Passenger on board such Ship, such Water being carried in Tanks or sweet Casks, and a Supply of Bread, Biscuit, Oatmeal, or Bread Stuffs to the Amount of Seven Pounds Weight, to every Week of the computed Voyage for every such Passenger: Provided always, that to the Extent of One Third of such Supply, and no more, Seven Pounds Weight of Potatoes may be deemed and computed to be equivalent to One Pound Weight of Bread, Biscuit, Oatmeal, or Bread Stuffs in the Supply of any Ship bound to some Place in *North America*: Provided also, that when any Ship shall be destined to call at a Port or Place in the Course of her Voyage for the Purpose of filling up her Water, a Supply of Water at the Rate before mentioned for every Week of the computed Voyage to such Port or Place of calling shall be deemed to be a Compliance with the Provisions of this Act.

IV. And be it further enacted, That the Number of Weeks deemed to be necessary for the Voyage of any such Ship, according to her Destination, shall be determined by the following Rule of Computation; (that is to say)

For a Voyage to *North America*, Ten Weeks:

For a Voyage to *South America* on the *Atlantic Ocean*, or to the West Coast of *Africa*, Twelve Weeks:

For a Voyage to the *Cape of Good Hope*, Fifteen Weeks:

For a Voyage to the *Mauritius*, Eighteen Weeks:

For any other Voyage, Twenty-four Weeks.

V. And be it further enacted, That, before any such Ship shall be cleared out for the Voyage, the Officers of the Customs shall survey, or cause to be surveyed by some competent Person, the Provisions and Water herein-before required for the Consumption of



of the Passengers, and shall ascertain that the same are in a sweet and good Condition, and shall also ascertain that, over and above the same, there is on board an ample Supply of Water and Stores for the victualling of the Crew of the Ship; and such Officers shall also ascertain that the Directions herein-before contained in respect of the Situations of Berths have been complied with.

VI. And be it further enacted, That the Master of every such Ship shall cause a Table to be drawn up of the respective Prices at which any Provisions or Stores that may be sold by any Person on board to any of the Passengers during the Voyage are to be supplied; and that a Copy of the same, printed or written in a fair and legible Manner, shall be affixed in some convenient and conspicuous Place on board the said Ship for the Perusal of all Parties, and that the same shall be maintained for continual Reference as well during the Period in which Passengers shall be engaged as during the whole of the Voyage; and that no higher Prices than are stated in such Table shall in any Case be charged for such Provisions or Stores as may be so supplied during the Voyage: Provided nevertheless, that nothing herein contained shall be construed as requiring the Master of any Ship to provide Provisions or Stores for the Purpose of Sale to any Passengers who may have contracted to victual themselves during the Voyage.

VII. And be it further enacted, That if Doubts shall arise whether any Ship about to proceed with Passengers as aforesaid is Sea-worthy, so as to be fit for her intended Voyage, and such Doubts shall not be removed to the Satisfaction of the Collector and Comptroller of the Customs at the Port from which such Vessel is to be cleared out, it shall be lawful for such Collector and Comptroller at any Time to cause such Ship to be surveyed by Two competent Persons; and if it shall be reported by those Persons that such Ship is not in their Opinion Sea-worthy with reference to such Voyage, such Ship shall not be cleared out unless the Contents of such Report be disproved to the Satisfaction of the Commissioners of the Customs, or until such Ship shall have been rendered Sea-worthy.

VIII. And be it further enacted, That Two Copies of this Act, or Abstracts of the same, made, provided, and issued by the Authority of the Commissioners of the Customs, and authenticated by the Signature of the Collector or Comptroller of the Customs at the Port of Clearance of the Ship, shall be delivered to the Master, on Demand, by such Collector or Comptroller at the Time of Clearance, and shall be kept on board every Ship proceeding with Passengers as aforesaid, and that One of such Copies or Abstracts shall, upon Request made at seasonable Times to the Master of the Ship, be produced to any Passenger for his Perusal.

IX. And be it further enacted, That no Ship carrying Passengers in any such Voyage as aforesaid to any such Port or Place as aforesaid, except any Port or Place in *North America*, if the Number of such Passengers shall amount to or exceed One hundred, shall clear out for such Voyage from any Port in the United Kingdom; or in the said Islands of *Guernsey, Jersey, Alderney,*

A Table to be made of the Prices of Provisions to be sold on board.

Sea-worthiness of the Ship may be ascertained by Survey.

Copies or Abstracts of this Act to be kept on board for Perusal of Passengers.

With every Ship carrying 100 Passengers a Medical Practitioner to sail; in every Ship carrying a smaller Number

Medicines of sufficient Amount and Kind to be carried.

*Alderney, Sark, or Man*, unless there shall be rated upon the Ship's Company, and shall be actually serving on board such Ship, some Person duly authorized by Law to practise in this Kingdom as a Physician or Surgeon or Apothecary, and that no such Ship shall actually put to Sea or proceed on such Voyage, unless such Medical Practitioner shall be therein, and shall *bona fide* proceed on such Voyage, taking with him a Medicine Chest, and a proper Supply of Medicines, Instruments, and other Things suitable to the intended Voyage; and no Ship carrying Passengers under the Provisions of this Act shall clear out for any Voyage from any such Port as aforesaid unless and until there shall be actually laden and on board such Ship Medicines and other Things necessary for the Medical Treatment of the Passengers on board during such intended Voyage, and available for that Purpose, nor unless such Medicines and other Things shall be adequate in Amount and Kind to the probable Exigencies of any such Voyage; and, together with such Medicines and other Things, shall also be put on board every such Ship previously to her clearing out for any such Voyage as aforesaid a Certificate under the Hands of any Two or more such Medical Practitioners as aforesaid, to the Effect that such Medicines and other Things have been inspected by them, and are, in their Judgment, adequate to meet any such probable Exigencies as aforesaid.

Ships carrying Passengers as aforesaid prohibited from exporting Spirits, &c. as Merchandize.

X. And be it further enacted, That no Ship carrying Passengers to any Place as aforesaid shall be cleared out if there shall be laden on board such Ship by way of Stores, over and above the Stores proper for the Crew of such Ship, any Quantity of Spirits or Strong Waters beyond One Tenth Part of such Quantity as would, except for this Restriction, be allowed by the Officers of the Customs upon the Victualling Bill of such Ship for the Outward Voyage only, according to the Number of Persons going the Voyage.

Master to deliver List of Passengers to Collector of Customs, who shall give to the Master a Counterpart, to be exhibited to the Chief Officer of Customs at the Port of landing.

XI. And be it further enacted, That the Master of every Ship carrying Passengers on any such Voyage as aforesaid shall, before clearing out his said Ship for such Voyage from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, deliver to the Collector or other Principal Officer of His Majesty's Customs at such Port or Place, a List in Writing, together with a Duplicate of the same, specifying, as accurately as may be, the Names, Ages, and Professions or Occupations of all and every the Passengers on board such Ship, with the Name of the Port or Place at which he the said Master hath contracted to land each of the said Passengers; and such Collector or other Chief Officer of Customs shall thereupon deliver to the said Master a Counterpart of such List signed by him the said Collector or other Chief Officer as aforesaid; and the said Master shall exhibit the said Counterpart of his said List to the Collector or other Chief Officer of His Majesty's Customs at any Port or Place in His Majesty's Possessions, or to His Majesty's Consul at any Foreign Port, at which the said Passengers, or any of them, shall be landed, and shall deposit the same with such Collector or Chief Officer of Customs, or such Consul, as the Case may be, at his final Port of Discharge in the said Possessions.

XII. And, for the Prevention of Frauds which might be practised upon Persons emigrating from the United Kingdom, be it further enacted, That the Master of any Ship carrying any Passengers as aforesaid shall not, without his or her previous Consent, land or put on shore, or cause to be landed or put on shore, any Passenger at any Port or Place other than the Port or Place at which he may have contracted to land or put such Passenger on shore.

Penalty on Master improperly landing Passengers, &c.

XIII. Provided always, and be it further enacted and declared, That for the Purpose and within the Meaning of this Act Two Children, each being under the Age of Fourteen Years, but above the Age of Seven Years, or Three Children, each being under the Age of Seven Years, shall in all Cases be computed as One Person only; and that Children under the Age of Twelve Months shall not be included in the Computation of the Number of Persons.

How Children are to be computed in the Enumeration of Passengers.

XIV. And be it further enacted, That if any Ship shall not actually put to Sea and proceed upon any such intended Voyage as aforesaid on the Day for that Purpose appointed in and by any Contract made by the Owner, Master, or Charterer of such Ship, or by their Agent, with any Passenger who shall on that Day be on board the same, or ready to proceed on such intended Voyage, then and in every such Case the Master of such Ship shall pay to each and every such Passenger as shall have contracted to victual himself a Fine, to be computed at and after the Rate of One Shilling in respect of each Day during which he or she shall be so detained previously to the actual clearing out and final Departure of such Ship on such Voyage, and that the same may be recovered daily; and the Master of such Ship shall victual each and every such Passenger as shall have contracted to be victualled by the Ship Owner on and from the Day which shall be so appointed: Provided always, that no such Fine as aforesaid shall be incurred or be payable in respect of any Detention of any such Vessel which shall be so detained by Stress of Weather or other unavoidable Cause.

Fines in case of Detention.

XV. And be it further enacted, That at the Close of any such Voyage as aforesaid every Person arriving as a Passenger at any Port or Place shall, during the Space of Forty-eight Hours next after such Arrival, be entitled to continue on board such Ship, and to be provided for and maintained on board the same in such and the same Manner as during such Voyage, unless in any Case it shall have been expressly stipulated and agreed between any such Passenger and the Master of such Ship that such Passenger shall not be entitled to such Provision or Maintenance during the said Period of Forty-eight Hours, or unless in the ulterior Prosecution of her Voyage any such Ship shall quit any such Port or Place within the said Period of Forty-eight Hours.

Passengers to be maintained for 48 Hours after their Arrival.

XVI. And be it further enacted, That if any Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom, or in the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, shall carry any Number of Passengers exceeding by more than One Person in Fifty the Proportion authorized and allowed by this present Act; or if

Penalties in case of Infringement of the preceding Enactments.

such

such Ship shall not be of the Height between Decks herein-before required; or if such a Platform as herein-before directed shall not be laid and continued throughout the whole Duration of any such Voyage in such Manner as is herein-before required; or if there shall be more than Two Tiers of Berths; or if there shall not be throughout the whole Duration of any such Voyage such an Interval as is herein-before prescribed between the Deck and the Floor of the lower Tier of Berths; or if any such Ship shall clear out and put to Sea not having on board such Water and Provisions as aforesaid, for the Use and Consumption of the said Passengers, of the Kind and to the Amount and in the Proportion herein-before required; or if a Table of the Prices of Provisions or Stores shall not be exhibited as herein-before required; or if any higher Prices than are named in such Table shall be charged; or if there shall not be on board any such Vessel such Medical Practitioner as aforesaid, or such Medicines and other Things necessary to the Medical Treatment of the Passengers, as is herein-before required; or if any such Ship shall be cleared out before such Lists of Passengers as herein-before mentioned shall have been delivered in manner and form aforesaid to such Officer as aforesaid; or if any such List shall be wilfully false; or if the Copy or Abstract of this Act be not produced as herein-before required; or if any Passenger shall not be allowed to continue on board such Ship in manner herein-before provided; or if any Passenger shall without his or her previous Consent, be put on shore at any Place other than the Place at which the Master had contracted to land such Passenger; the Master of any such Ship shall for and in respect of each and every such Offence be liable, on such summary Conviction as herein-after mentioned, to the Payment of a Fine of not less than Five Pounds nor more than Twenty Pounds Sterling *British Money*.

The Right of Action of Passengers not to be taken away or abridged.

XVII. Provided nevertheless, and be it further enacted, That nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any such Ship, or to any other Person, in respect of the Breach or Non-performance of any Contract made or entered into between or on the Behalf of any such Passenger or other Person, and the Master, Owner or Owners of any such Ship.

Prosecution and Recovery of Penalties.

XVIII. And be it further enacted, That all Indictments or Informations against any Person or Persons for or in respect of any Offences by them committed or alleged to have been committed under this Act, and that all Proceedings for the Recovery of any Fines, Penalties, or Forfeitures incurred or alleged to have been incurred by any Person or Persons under this Act, shall be preferred and prosecuted by any Person or Persons whomsoever, and shall be proceeded with and determined before such and the same Courts, Magistrates, and Justices of the Peace, and in such and the same Manner, and by such and the same Persons, and with, under, and subject to all such and the same Rules, Provisions, Conditions, and Restrictions, as in the Case of any Indictments or Informations preferred or Proceedings taken for or in respect of any Offence committed, or for the Recovery of any Fines, Penalties, or Forfeitures incurred, under any Act of Parliament

liament now in force for the Prevention of Smuggling, or relating to the Customs or to Trade or Navigation: Provided always, that in order to the preferring, prosecuting, proceeding with, or determining any such Indictments or Informations under this present Act, the Direction or Consent of the Commissioners of Customs shall not be necessary or required, any thing in such Acts of Parliament as aforesaid to the contrary in anywise notwithstanding.

XIX. And, for the more effectually securing the Observance of the aforesaid Rules, and the Payment of the Penalties aforesaid, be it further enacted, That before any Ship carrying Passengers shall clear out for any such Voyage as aforesaid from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, the Master of the said Ship shall enter into a Bond to His Majesty, His Heirs and Successors, with One good and sufficient Surety, to be approved by the Collector or other Chief Officer of Customs at such Port, in the Sum of One thousand Pounds, the Condition of which Bond shall be that the said Ship is Sea-worthy, and that all and every the Rules and Regulations made and prescribed by this Act for the Carriage of Passengers shall be well and truly performed before and during such intended Voyage, and that all Penalties, Fines, and Forfeitures which the Master of such Ship may be sentenced or adjudged to pay for or in respect of the Breach or Nonperformance, before or during such Voyage, of any such Rules and Regulations, shall be well and truly paid: Provided always, that such Bond shall be without Stamps, and that no such Bond shall be put in Suit, and that no Prosecution, Suit, Action, or Information shall be brought under or by virtue of this Act, or upon or by reason of the Breach of any of the Provisions thereof, in any of His Majesty's Possessions Abroad after the Expiration of Twelve Calendar Months next succeeding the Commencement of any such Voyage as aforesaid, nor in the United Kingdom or any of the Islands before mentioned after the Expiration of Twelve Calendar Months next after the Return of the Master to the Port or Place from which he sailed on such Voyage.

XX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships carrying Passengers in Cases in which the Number of Persons, computed in manner herein-before provided, shall not exceed One Person for every Five Tons of the registered Burthen of such Ship; nor shall any thing in this Act contained extend to any Ship in the Service of the Lords Commissioners of His Majesty's Admiralty, or in the Service of His Majesty's Postmaster General, or in the Service of the *East India Company*.

XXI. And be it further enacted and declared, That the *Bahama Islands*, and all Places in *America* Southward of the same, shall be deemed to be in *South America* for the Purposes of this Act.

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

Masters of Vessels to enter into Bond (without Stamps) for the due Performance of the Regulations prescribed by this Act.

Limitation of Prosecutions.

Exception of particular Kinds of Ships.

Bahamas, &c. in South America.

Act may be altered, &c.

## C A P. LIV.

An Act to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages.

[31st August 1835.]

‘ WHEREAS Marriages between Persons within the prohibited Degrees are voidable only by Sentence of the Ecclesiastical Court pronounced during the Lifetime of both the Parties thereto, and it is unreasonable that the State and Condition of the Children of Marriages between Persons within the prohibited Degrees of Affinity should remain unsettled during so long a Period, and it is fitting that all Marriages which may hereafter be celebrated between Persons within the prohibited Degrees of Consanguinity or Affinity should be *ipso facto* void, and not merely voidable: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages which shall have been celebrated before the passing of this Act between Persons being within the prohibited Degrees of Affinity shall not hereafter be annulled for that Cause by any Sentence of the Ecclesiastical Court, unless pronounced in a Suit which shall be depending at the Time of the passing of this Act: Provided that nothing herein-before enacted shall affect Marriages between Persons being within the prohibited Degrees of Consanguinity.

Marriages before the passing of this Act of Persons within the prohibited Degrees not to be annulled.

Marriages, &c. void.

II. And be it further enacted, That all Marriages which shall hereafter be celebrated between Persons within the prohibited Degrees of Consanguinity or Affinity shall be absolutely null and void to all Intents and Purposes whatsoever.

Not to extend to Scotland.

III. Provided always, and be it further enacted, That nothing in this Act shall be construed to extend to that Part of the United Kingdom called *Scotland*.

Act may be altered, &c.

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

## C A P. LV.

An Act for facilitating the Appointment of Sheriffs in *Ireland*, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in *Ireland*; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in *Ireland*; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in *Ireland* to the Commissioners for auditing the Public Accounts of *Great Britain*.

[9th September 1835.]

‘ WHEREAS it appears by the Twelfth Report made to His Majesty by the Commissioners appointed to inquire into the Duties, Salaries, and Emoluments of the Officers, Clerks, and

‘ and Ministers of Justice in all Temporal and Ecclesiastical  
 ‘ Courts in *Ireland*, that it is expedient to make Provision for the  
 ‘ better taking of the Accounts of Sheriffs and of Custodees in  
 ‘ Trust for His Majesty, and to abolish the Proceeding by Custodiam for the Recovery of Debts due by Subject to Subject,  
 ‘ and to substitute another Remedy for it, and that certain Offices  
 ‘ in the Court of Exchequer in *Ireland* may be abolished: And  
 ‘ whereas it is expedient to extend to *Ireland* certain Provisions  
 ‘ of an Act passed in the Third and Fourth Years of His Majesty’s Reign, intituled *An Act for facilitating the Appointment*  
 ‘ *of Sheriffs, and the more effectual Audit and passing of their Accounts*;  
 ‘ *and for the more speedy Return and Recovery of Fines, Issues, forfeited Recognizances, Penalties, and Deodands*; and to  
 ‘ *abolish certain Offices in the Court of Exchequer* :’ Be it therefore  
 enacted by the King’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall not be necessary for any Sheriff or Sheriffs of any County, City, or Town in *Ireland* to sue out any Patent or Writ of Assistance, or to make or pay Proffers, nor shall he or they be apposed or take any Oath or Oaths before the Barons of the said Court to account or be cast out of Court, as now or heretofore in use in His Majesty’s Court of Exchequer in *Ireland*; any Law, Statute, or Usage to the contrary notwithstanding.

3 &amp; 4 W. 4. c. 99.

Sheriffs need not sue out Patent or Writ of Assistance, or take Oath, or be apposed in the Exchequer.

II. And be it further enacted, That whenever any Person shall be duly nominated by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for and to be Sheriff of any County in *Ireland*, such Appointment shall be forthwith notified in the *Dublin Gazette*, and the Appointment of every such Sheriff shall be made by a Warrant under the Signature or Signatures of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, according to the Form set forth in the Schedule hereto annexed, which Schedule and every thing therein contained shall be deemed and be Part of this Act; and every such Warrant shall be made out by the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, and shall be by him transmitted to the Person so nominated and appointed Sheriff as aforesaid; and the Appointment of Sheriff thereby made shall be as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if the same had been made by Patent under the Great Seal of *Ireland*, or by any Ways and Means heretofore in use; and the Sheriff and Sheriffs so nominated and appointed as aforesaid shall thereupon, and upon taking the Oath of Office hereafter mentioned, but not before, have and exercise all Powers, Privileges, and Authorities whatsoever usually exercised and enjoyed by Sheriffs of Counties in *Ireland*, without any Patent, Writ of Assistance, or other Writ whatsoever, or entering into Recognizance by himself or Sureties, and without Payment of or being liable to pay any Fees whatsoever for the same.

Sheriff to be appointed by Warrant.

III. Provided always, and be it further enacted, That a Duplicate of the said Warrant shall within Ten Days next after the Date thereof be transmitted by the said Chief or Under Secretary

Duplicate of Warrant to be transmitted to the Secondary

tary to the Secondary of the Chief Remembrancer of the said Court of Exchequer, to be by him enrolled, and which he is hereby required forthwith to enrol, and to keep without Fee or Reward.

Sheriff to transmit Duplicate of Appointment of Under Sheriff to the said Secondary.

IV. And be it further enacted, That from and after the Commencement of this Act any Person so appointed Sheriff as aforesaid who shall nominate and appoint any Person to be his Under Sheriff shall make such Appointment by Writing under his Hand, and shall within One Month after such Appointment transmit a Duplicate thereof to the said Secondary, to be by him filed, and which he is hereby required to file, among the Records of his Office, and for which he shall be entitled to demand and have from such Under Sheriff the Sum of Five Shillings, and no more; and such Appointment and Duplicate shall not be liable to any Stamp Duty whatever; and any Sheriff neglecting so to do shall forfeit a Sum of One hundred Pounds to any Person who will sue for the same; and no such Appointment to the Office of Under Sheriff shall be invalid for or by reason of the Person so appointed having exercised, executed, or officiated as Under Sheriff within Three preceding Years; nor shall the High Sheriff appointing, or the Person so appointed by him, be liable to any Fine or Penalty for exercising, executing, or officiating in the said Office of Under Sheriff under such Appointment; any Law or Statute heretofore made to the contrary notwithstanding.

Oath of Office may be taken before a Baron, or the Remembrancer, or a Commissioner for taking Affidavits.

V. And be it further enacted, That each and every Person so appointed Sheriff and Under Sheriff as aforesaid shall before he enter upon the Execution of his Office take the Oath heretofore and now required by Law, which Oath shall be fairly written on Parchment, without being subject to Stamp Duty, and signed by him, and shall and may be sworn before the Barons of His Majesty's Exchequer, or any of them, or before the said Chief Remembrancer, or any Commissioner for taking Affidavits in said Court, and the same shall be thereupon transmitted to the said Secondary, who is hereby required to file the same among the Records of his Office, for which he shall be entitled to demand and have from such Sheriff or Under Sheriff the Sum of Five Shillings, and no more; and no Sheriff or Under Sheriff shall act as such until such Affidavit shall be lodged with such Secondary, on pain of Forfeiture for any Act so done a Sum of One hundred Pounds to any Person who shall sue for the same.

Outgoing Sheriff to give a List of Prisoners, Writs, &c. to his Successor.

VI. And be it further enacted, That every Sheriff of any County, City, Liberty, Division, Town Corporate, or Place shall at the Expiration of his Office make out and deliver to the new or incoming Sheriff a true and correct List and Account under his Hand of all Prisoners in his Custody, and of all Writs and other Process in his Hands not wholly executed by him, with all such Particulars as shall be necessary to explain to the said incoming Sheriff the several Matters intended to be transferred to him, and shall thereupon turn over and transfer to the Care and Custody of the said incoming Sheriff all such Prisoners, Writs, and Process, and all Records, Books, and Matters appertaining to the said Office of Sheriff; and the said incoming Sheriff shall thereupon sign and give a Duplicate of such List and Account



to the Sheriff going out of Office, to whom the same shall be a good and sufficient Discharge of and from all the Prisoners therein mentioned and transferred to the said incoming Sheriff, and the further Charge of the Execution of the Writs, Process, and other Matters therein contained, without any Writ of Discharge or other Writ whatsoever; and the said incoming Sheriff shall thereupon stand and be charged with the said Prisoners, and also with the Execution and Care of the said Writs, Process, and other Matters contained in the said List and Account, as fully and effectually as if the same Writs and Process had been turned over by Indenture and Schedule; and in case any Sheriff shall refuse or neglect at the Expiration of his Office to make out, sign, and deliver such List and Account as aforesaid, or shall make out an untrue or incorrect List or Account, or shall refuse or neglect to turn over the Process aforesaid in manner aforesaid, every such Sheriff so neglecting or refusing shall be liable to make such Satisfaction by Damages and Costs to the Party aggrieved as he, she, or they shall sustain by such Neglect or Refusal.

VII. And be it further enacted, That the Accounts of the present and future Sheriffs of Counties, Cities, and Towns within *Ireland* shall from and after the Commencement of this Act be examined and audited by the said Chief Remembrancer, who shall possess all such Power, Authority, and Jurisdiction in respect thereof as is now possessed by the said Court.

Accounts to be audited by Chief Remembrancer.

VIII. And be it further enacted, That every the Person and Persons who now is or are or who hereafter shall be Sheriff or Sheriffs of any County, City, or Town within *Ireland*, or his or their Representatives, shall within Two Calendar Months next after the Expiration of his or their Office, or, in case of the Death of any Sheriff or Sheriffs, the Under Sheriff by him or them appointed, or the Representative of such Sheriff or Sheriffs, shall within Two Calendar Months next after the Death of such Sheriff or Sheriffs, make out and transmit to the said Remembrancer a just and true Account under his or their Hand or Hands of all Sums received by such Sheriff or Sheriffs to or for the Use of His Majesty, or with which he was or is chargeable, and of all Sums paid or claimed by him or them, or on his or their Behalf, with all such Particulars as shall be needful to explain the same: Provided always, that such Under Sheriff shall not be personally responsible for any Sum or Sums received by such deceased Sheriff, but that the same shall be answered by the Representatives of the said deceased Sheriff, or otherwise in due Course of Law.

Sheriff to transmit Accounts to the Remembrancer.

IX. And be it further enacted, That in case it shall be necessary for any such Sheriff or Sheriffs, or his or their Under Sheriff, to make Oath or Affidavit to any such Account, or any Matter or Thing relating thereto, such Oath or Affidavit, except when the said Remembrancer shall require his or their personal Examination before him, shall and may be sworn before any of the Barons of the Court of Exchequer, or before the said Remembrancer, or before any Commissioner of the said Court of Exchequer for taking Affidavits therein.

Sheriff may make Oath to the Account before any Baron, &c.

X. Pro-

Accounts to be declared by the Remembrancer in the Court of Exchequer.

X. Provided always, and be it further enacted, That the Accounts by this Act required to be audited by the said Remembrancer shall be declared and certified by him in the said Court, and he shall have Power to charge in such Account such Sum to such Sheriff as he shall appear to be properly chargeable with; and every Sheriff shall pay into the Receipt of His Majesty's Exchequer at *Dublin* the Balance due by him on such Account at such Time as shall be specified in such Rule or Order as the said Remembrancer shall make thereon; and the said Remembrancer shall thereupon, or as soon as conveniently may be, cause a Certificate thereof, in the Nature of a Quietus, to be made out and delivered to such Sheriff without Fee or Reward, which shall be equally valid and effectual as a Quietus to discharge the Accountant, and to all other Intents and Purposes.

Remembrancer to cause Process to issue for recovering Fines, &c.

XI. And be it further enacted, That the said Remembrancer shall cause to be made out and issued, according to the Practice of the said Court, and without Fee or Reward, Process for duly levying and enforcing of all such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, and Deodands payable to His Majesty, His Heirs and Successors, (except as herein-after mentioned,) which shall not have theretofore been levied, recovered, vacated, or discharged, and so from Time to Time until the same shall be fully paid or levied, vacated or discharged.

Treasury may stay Proceedings.

XII. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, and he or they are hereby authorized, by Warrant under their Hands directed to the proper Officer or Officers, to stay the issuing or Execution of all or any of such Process as aforesaid, and to vacate and discharge such Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, or Deodands, or any of them, or any Part thereof: Provided that nothing in this Act contained shall extend to enable the Lord Treasurer or the Commissioners of His Majesty's Treasury to remit or restore any Fines, Issues, Amerciaments, Penalty, forfeited Recognizance, or Deodand to which any Body Corporate or Politic, Person or Persons, shall or may be entitled, which shall have been actually levied by or paid to them; and provided further, that nothing herein contained shall prevent the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from remitting any Fine imposed on any Person or Persons as a Punishment for any Offence.

Persons interested in Fines, &c. may examine Accounts.

XIII. And be it further enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons, having or claiming Title to any Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, Deodand, Sum or Sums of Money contained in any Account transmitted by virtue of this Act to the said Remembrancer, shall and may, by themselves, or their, his, or her Bailiff, Steward, or Agent, at all seasonable Times, have Access to the said Accounts, and take Minutes or Extracts therefrom.

Treasury may direct Payments to Persons entitled.

XIV. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, from Time to Time to order and

direct Payment, by Warrant under his or their Hand or Hands, of the said Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum and Sums of Money, or any of them, to any Body Corporate or Politic, Person or Persons entitled to the same, or to their, his, or her Bailiff, Steward, or Agent: Provided always, that notwithstanding such Payment any Body Politic or Corporate, or Person or Persons aggrieved thereby shall and may apply by Petition in the Manner herein-after mentioned against the Party or Parties to whom such Payment shall have been made, to restore or refund the Sum or Sums by him or them so received.

XV. Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse, or decline to order the Payment of any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum or Sums of Money so claimed as aforesaid, or if any Party shall be aggrieved by any Order made by the said Commissioners, it shall be lawful for any such Body or Bodies Corporate or Politic, Person or Persons, to apply in a summary Way by Petition to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer in *Ireland*, setting forth the Nature of the Claim or Title of the Petitioner or Petitioners, and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the Matter of the said Petition, and to give such Costs and to make such Order and Orders therein as they shall deem just.

If Treasury refuse, Application may be made to the Exchequer.

XVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be prejudicial to the Rights, Privileges, and Remedies of any Bodies Corporate or Politic, or of any Lord of any Manor, Liberty, or Franchise whatsoever, or of any Person or Persons claiming Title under and by virtue of any Grant from the Crown; any thing herein contained to the contrary notwithstanding.

Saving of Rights by Grant from the Crown.

XVII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Power, Jurisdiction, or Authority of the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer in *Ireland*, as to the said Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, and Estreats, or any Process or Proceedings thereon.

Saving of Jurisdiction of Barons of the Exchequer.

XVIII. And be it further enacted, That the following Offices of the said Court of Exchequer in *Ireland* shall from and after the Commencement of this Act be and the same are hereby abolished; (that is to say,) the Offices of the Comptroller of the Pipe, Clerk of the Pipe, Summonister and Clerk of the Estreats, and Transcripator and Foreign Apposer, and the Officer of Secretary in the Office of Lord Treasurer's Remembrancer.

Offices to be abolished.

XIX. And whereas the Office of Second or Lord Treasurer's Remembrancer of the said Court is at present held by Sir Hugh Stewart Baronet and Mervyn Stewart Esquire, and the Duties thereof are performed by Deputy; and it is expedient that the Duties of the said Office should in future be performed in Person; be it therefore enacted, That the Grant of the Office of Second or Lord Treasurer's Remembrancer made to the said

Duties of Second Remembrancer in future to be performed in Person, and present Grant to cease.

Sir *Hugh Stewart* Baronet and *Mervyn Stewart* Esquire shall from and after the Commencement of this Act cease and determine; and that the Person to whom the said Office shall henceforth be granted shall perform the Duties thereof in Person, and be a Barrister at Law of Ten Years standing at the least, who shall have practised as such in His Majesty's Court at *Dublin* or *Westminster*, and such Person shall hold his Office during good Behaviour.

Compensation to be made to Persons deprived of their Offices.

XX. 'And whereas it is reasonable and fit that Compensation should be made to Persons deprived of their Offices, or of any lawful Fees and Emoluments, by virtue of this Act;' be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under his or their Hand or Hands, to order or direct that such annual or other Compensation shall be made to the said Persons for such Loss as they will respectively sustain by reason of the Provisions of this Act as shall be just and reasonable; and such Compensation shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, within Fourteen Days after the Meeting of Parliament then next following.

Claims for Compensation may be referred to the Barons.

XXI. And be it further enacted, That, for the better enabling of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the said Officers whose Fees may be taken away or diminished as aforesaid, for the Loss thereof, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, from Time to Time to refer to the Barons of the said Court of Exchequer in *Ireland* to report their Opinion as to the Amount of such Compensation.

Records heretofore kept in abolished Offices to be delivered to the Chief Remembrancer.

XXII. And be it further enacted, That the several Records, Books, and other public Documents of and concerning the Duties and Business of the said Offices so abolished as aforesaid, and also of and concerning the said Office of Second Remembrancer of the said Court, shall, upon or immediately after the Commencement of this Act, be delivered by the several Officers or Persons having Custody of the same into the Hands and Care of the said Chief Remembrancer, to be by him preserved and kept, subject nevertheless to such Rules, Orders, and Regulations as the Chief Remembrancer, by and with the Approbation of the Lord Chief Baron and the other Barons of the said Court of Exchequer, and the Lord High Treasurer or any Three of the Commissioners of His Majesty's Treasury, shall or may from Time to Time ordain or make touching the same.

Proceedings heretofore had in abolished Offices to be had in Chief Remembrancer's Office.

XXIII. And be it further enacted, That from and after the Commencement of this Act all Process and other Proceedings, Estreats, Taxation of Costs, Matters and Things, usually issued, had, done, received, filed, recorded, returnable to or taken by the Officers whose Offices are hereby abolished, or any of them,

or by the said Chief or Second Remembrancer, which shall from thenceforth be by Law required, or needful to be issued, done, had, received, filed, recorded, or taken, shall be issued, done, had, received, filed, recorded, returnable to, and taken by the said Chief Remembrancer, or by the Second Remembrancer, by and under his Direction, as fully and effectually, to all Intents, Constructions, or Purposes, as the same might or could have been issued, done, had, or taken by the said Officers, or the said Chief or Second Remembrancer, before the passing of this Act, subject nevertheless to all such Rules, Orders, and Regulations as shall or may be made from Time to Time for regulating or discontinuing the same by the said Chief Remembrancer with the Approbation of the Lord Chief Baron and the other Barons of the Court, and which he is hereby authorized to make and ordain accordingly; and all Returns which now should be made of Fines and Estreats to any of such abolished Offices shall be made to the Office of such Chief Remembrancer in future.

**XXIV.** And be it further enacted, That Searches may be made, and Copies or Extracts of and from all Records, Books, and Documents in or which shall hereafter be in the Office of the Chief Remembrancer shall and may be had and taken, at such Times and in such Manner as the said Chief Remembrancer shall, by and with the Approbation of the said Lord Chief Baron and the other Barons of the said Court, direct; and all such Copies or Extracts, signed and authenticated by such Chief Remembrancer, or such Person or Persons as shall or may be appointed by the said Remembrancer for that Purpose, shall be available in Evidence, and as valid and effectual to all Intents and Purposes as the same would by Law have been if the same had been signed, authenticated, and given before the passing of this Act by the Officer having the Custody thereof.

Copies and  
Extracts may  
be taken.

**XXV.** And be it enacted, That it shall be lawful for the Secondary of the said Chief Remembrancer, upon Application to him on behalf of the Lord High Treasurer or the Commissioners of His Majesty's Treasury in the Matter of any Debtor to His Majesty whose Debt shall be a Debt of Record in the said Court, and on the Certificate of the Attorney or Solicitor General for *Ireland* that such Debt is over due to the Crown, to enter a Rule in such Matter that a Custodiam be made to such Person as shall be named on behalf of the said Lord High Treasurer or Commissioners, in Trust for His Majesty, of the Lands, Tenements, and Hereditaments of such Debtor, to hold to such Trustee until such Debt be discharged, unless Cause to the contrary be shown to the said Chief Remembrancer at such Time as shall be appointed by such Rule for that Purpose; and upon Proof that a Copy of such Rule hath been served upon the Debtor, or left at his last Place of Residence, or that he hath absconded, or that his last Place of Residence cannot be discovered, and that such Rule or Order has been served in such Manner as the said Chief Remembrancer may have directed, it shall be lawful for the said Chief Remembrancer, at the Time appointed by the said Rule for that Purpose, to make the same absolute, or to allow any Cause shown against the same, in the whole or in part, or to make such further Order in the Matter as he shall deem just,

Grants in  
custodiam for  
Debts to the  
Crown to be  
made on Appli-  
cation of Com-  
missioners of the  
Treasury, unless  
Cause shown  
to the contrary.

and to confine the Grant in custodiam to so much of the Lands, Tenements, or Hereditaments of the Debtor as may be sufficient for securing a due and prompt Payment of the Debt; and he shall by every such Order direct that the Custodee shall come in and account before him at such Time or Times as he shall in every such Order direct; and every Grant in custodiam shall be made out by his said Secondary, and shall be signed and enrolled by him, and for which he shall receive a Fee of One Pound.

Duties of the  
Second Re-  
membrancer.

XXVI. And be it enacted, That it shall be the Office and Duty of the said Second Remembrancer to receive and report upon all such References as shall be made to him by the said Court in any Cause or Matter pending at the Equity Side thereof, and to do and perform such other ministerial Duties there as he shall be required to perform by any Order of the said Court, and he shall have Power to examine Witnesses upon Oath, and take Evidence *vidæ vocæ*, or on written Interrogatories, or by Affidavit.

Examiner.

XXVII. And be it enacted, That the Examiner of the Chief Remembrancer shall be also Examiner of the said Second Remembrancer, and shall perform all such Duties and possess all such Rights and Powers as Examiner of the said Second Remembrancer as he now performs or possesses as Examiner of the Chief Remembrancer.

Receiver may  
be appointed of  
Lands hereto-  
fore granted  
in custodiam  
on Petition to  
Court of the  
Grantee.

XXVIII. And be it enacted, That it shall be lawful for any Person or Persons to whom any Grant in custodiam hath heretofore been made, in his or their own Right, or his or their Representatives or Assigns, to apply to the Court of Exchequer at the Equity Side thereof, by a Petition stating such Grant and his Rights under the same, for an Order for the Appointment of a Receiver over the Lands or other Property granted in custodiam to him, or to apply to the said Court or to the Court of Chancery, as the Case may be, by a like Petition, that any Receiver already appointed over the said Lands or Property, or any of them, be extended to the Matter of his said Petition; and such Court shall thereupon, in case it shall appear that any Sum is due on account of the Demand for which such Grant in custodiam was made, make an Order for appointing or extending a Receiver over the Whole or a competent Part of the Lands or Property granted in custodiam; and such Receiver shall be authorized to apply the Rents and Profits of the said Lands or Property to the Payment of the Debt for which such Grant in custodiam was made, and such other Charges upon the said Lands or Property, and in such Priority as the Court in which such Receiver is appointed may direct.

Contents of  
such Petition,  
and Proceedings  
thereon.

XXIX. Provided always, and be it enacted, That every such Petition shall be on the filing thereof verified by Affidavit, in which the Person claiming the Benefit of the said Grant in custodiam shall state the Sum due upon or under such Grant for Principal, Interest, and Costs, after all just and fair Allowances whatsoever; and the Court shall, notwithstanding such Statement, on the Application of any Person interested in the Lands granted in custodiam, make an Order referring it to the proper Officers of the Court to take an Account of what is due to the Custodee for Principal, Interest, and Costs, charging him with all Sums which shall have been received, or which, without wilful Default

or Neglect, might have been received, under or by virtue of the said Grant in custodiam; and if any such Custodee, or his Representatives or Assigns, shall neglect to present such Petition before the Twelfth Day of *February* next, for the Appointment of a Receiver, or to have a Receiver already appointed extended to the Matter of his Petition, or to verify such Petition, and procure an Order thereon as aforesaid, then and in every such Case the Grant in custodiam of such Custodee shall thenceforth cease and be dissolved, and the Lands or other Property extended shall be discharged from the same; provided however, that it shall be lawful for the said Court of Exchequer, if it shall think fit, to extend for a further Period of Three Months the Time for presenting such Petition or obtaining such Order, upon a special Application for that Purpose made.

XXX. And be it enacted, That from and after the pronouncing of any absolute Order for appointing or extending a Receiver in the Matter of a Petition founded on a Grant in custodiam obtained before the passing of this Act all further Proceedings in such Custodiam shall be stayed, but the Court of Exchequer shall have Power to make such Order in such Custodiam Matter for enforcing the Payment of any Rent due out of the Lands granted in custodiam at the passing of this Act, or the enforcing of any Attachment theretofore awarded, or any Order theretofore made in such Custodiam Matter, as fully as if this Act had not been passed; and every Person who shall at the Time of the passing of this Act hold any Lands under a Letting made in such Custodiam Matter shall be entitled to hold the same for the Residue of his Term as if this Act had not been passed, but not further or otherwise; and the Recognizance of such Tenant and his Sureties shall continue and be valid and binding on them respectively, and be, if necessary, put in Suit, and the Rent payable by such Tenant and not actually paid to the Custodee shall be paid to such Receiver, and the Rights of every Person who at the Time of passing this Act shall be a Party in any Suit then pending in a Court of Equity in consequence of a Grant in custodiam theretofore made, or of the Representative of a Person so made a Party in a Suit then pending shall be determined as it would be if this Act had not been made: Provided, and be it enacted, that in any Case in which a Receiver has been appointed by the Court of Exchequer in any Custodiam Matter, any Person interested in the Continuance of such Receiver shall be at liberty to present a Petition stating that Fact, and thereupon the Court shall make an Order declaring that such Receiver shall be continued in the Matter of such Petition, and the Recognizances of such Receiver and his Sureties shall be considered valid and binding on them as if they were entered into in the Matter of such Petition, and all such Proceedings shall be had in such Matter as would under this Act be had in case a Receiver was for the first Time appointed or extended under the Provisions hereof.

XXXI. And be it enacted, That from and after the Commencement of this Act no Grant in custodiam for Recovery of any Debt or Demand shall be made, save in Trust for His Majesty, and for a Debt due to the Crown, and certified to be so by the Attorney

After Appointment of Receiver in Matter of Petition founded on Grant in custodiam, further Proceedings in custodiam to be stayed.

Providing for Continuance of Receiver appointed by the Court of Exchequer.

In future all Grants in custodiam to be made only in Trust for His

Majesty; and Receiver may be appointed, on Judgment or Recognizance, over so much of the Debtor's Lands as the Court shall direct.

or Solicitor General for *Ireland*; and it shall be lawful for any Person entitled to sue out or who has already sued out a Writ of *Elegit* upon any Judgment recovered in any of His Majesty's Courts at *Dublin*, or to issue or who has issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery or to the Court of Exchequer at the Equity Side thereof for an Order that a Receiver may be appointed of the Rents and Profits of the Entire and not of a Moiety only of all Lands, Tenements, or Hereditaments which he would be entitled to have extended or appraised under a Writ of *Elegit*, or extended, seized, or taken under a Writ of *Levari facias*, or other Proceeding, on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that Matter; and it shall be lawful for the Court to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as shall appear to it sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance; and every such Petition shall state the Judgment or Recognizance, and the Sum due thereon, and shall be verified by the Affidavit of the Person interested, or such other Affidavit as the Court shall direct, stating the Sum due for Principal, Interest, and Costs, over and above all just and fair Allowances; and it shall be lawful for the said Court to require Proof by the Affidavit of the Party applying for such Order, or by such other Affidavit or Affidavits or Evidence as it shall require, of the Particulars and annual Rental or Value of the Lands over which such Receiver shall be sought.

Receiver to apply Rents as Court shall direct.

XXXII. And be it enacted, That every Receiver so to be appointed as aforesaid shall apply all Sums which he shall receive as such according to such Order or Orders as the Court shall make for that Purpose; and that it shall be lawful for the Court to extend the Receiver from the Matter of the Petition of one Creditor to the Matter of the Petition of any other or others, and to order the Rents and Profits to be applied according to the Priority of each, as ascertained by the Date of the Entry of the Judgment or Enrolment of the Recognizance; and that no Proceeding in the Matter of any Petition under this Act shall determine by the Death of any of the Parties in such Matter, but the Court in which such Petition may have been filed shall and may, on a Motion for that Purpose made by or on behalf of any Person interested in such Proceeding, and on its appearing that any of such Parties has died, make an Order for continuing such Proceedings for and in the Name of or against the real or personal Representative or Representatives, or the Assignee or Assignees of such deceased Party, or the Person or Persons in whom the Interest of the deceased Party has become vested, or who claim the same, unless good Cause shall be shown to the contrary within some Time to be specified in such Order, and give such Direction for the Service of such Order on the Parties named therein as to the Court shall seem meet, and shall and may make the same absolute, or discharge or vary such Order, on its appearing that such Order was duly served, and on hearing what may be offered on behalf of the Person so served.

Tenants to pay Rents to Receiver.

XXXIII. And be it enacted, That in every Order made for the Appointment of a Receiver as aforesaid the Tenants shall be



be required to pay him all Rents due or which shall become due by them for or in respect of the Lands mentioned in such Order; and every such Order shall require the Receiver to enter into Security, by himself and Two Sureties, to such Amount as shall be therein specified, and such further Security as the Court shall from Time to Time direct, for the due Performance of his Duties; and every such Security shall be given by Recognizance, and such Recognizance may be acknowledged either before the Court or any Judge or Master thereof, or any Master Extraordinary or Commissioner authorized to take Affidavits or to take Special Bail therein, and shall be enrolled in such Court; and such Order shall not be served on the Tenants, nor shall such Receiver receive any of the Rents, until such Recognizance shall be enrolled; and the Recognizance of the Receiver and his Sureties shall not be discharged or affected in consequence of such Receiver being extended to any other Matter.

XXXIV. And be it enacted, That every Receiver to be appointed as aforesaid shall account once in every Year, and as often as the Court shall direct; and the Court in which he is appointed or acting shall exercise all Power, Authority, and Jurisdiction over him, and in the Matter in which he shall be appointed, which it might exercise if he were appointed in a Cause pending there.

Receiver to account.

XXXV. And be it enacted, That if any Receiver shall neglect to account as aforesaid, and the Person for whose Benefit he shall have been appointed or continued shall neglect to take the necessary Proceedings for compelling him so to do, every such Person shall be chargeable with any Loss which may be sustained by any Default or Neglect of such Receiver: Provided always, that it shall not only be lawful for the Party at whose Suit he shall have been appointed, but also for any other Party interested in the Matter, to apply to the Court that he may be compelled to account.

Persons neglecting to call Receiver to account to be chargeable with the Loss.

XXXVI. And be it enacted, That so soon as the Debt due on Foot of any Judgment or Recognizance shall have been paid off as aforesaid, or as it shall appear to the Court that it might have been paid off if it were not for the Default or Neglect of the Person entitled thereto, it shall be lawful for the Court to direct Satisfaction to be entered thereon, or that it shall be assigned as the Court shall direct, and thereupon, or so soon as every Judgment or Recognizance for recovering which the Receiver shall have been extended shall be satisfied, he shall be discharged.

Judgment to be satisfied when Debt is paid.

XXXVII. And be it enacted, That in determining the Priority of the Demands of Creditors the Court in which any Question respecting such Priority shall arise shall not give to the Demand of any Creditor Priority over the Demand of another in consequence of his having obtained an Inquisition on an Outlawry or other Proceeding taken by him, but shall determine such Priority as if no such Inquisition was had; and every Creditor who shall obtain an Order for the Appointment of a Receiver under the Provisions of this Act shall be considered to be a Creditor who has issued and executed an Execution on his Judgment or Recognizance from the Date of such Order, and so as not to be affected by the Bankruptcy of his Debtor, further or otherwise

Priorities to be determined without reference to any Inquisition.

than he would be if his Debtor became bankrupt after Execution executed.

Monies received by Receivers to be applied under the Orders of the Court.

XXXVIII. And be it enacted, That in case any Sum shall be received by any such Receiver before an Order shall be made to extend him to the Matter of another Petition, the Money so received by him shall be distributed and paid, under the Orders of the Court, as it would have been if such further Order extending him had not been made, but in distributing the Funds thereafter to be received the Court shall have Regard to the Rights of the Person or Persons at whose Instance the Order extending the Receiver was made; and the Court shall have Power, if it shall think fit, to direct in any Case that the Costs incurred by the Person at whose Instance the Receiver was first appointed in procuring such Appointment be paid out of the Funds collected by the Receiver, without regard to the Priority of the Person on whose Application such Receiver was appointed.

Treasury authorized to refer PublicAccounts to Chief Remembrancer.

XXXIX. ' And whereas it is expedient to alter and amend an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain*; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury, and he and they are hereby authorized, in all Cases in which he or they shall think fit, to refer it to the said Chief Remembrancer of the Court of Exchequer in *Ireland* to inquire into the Matter of any Account or into any Question arising upon any Account of any Person, Body Corporate, or Board intrusted with the Care or Application of any Public Money in *Ireland*, and to report to the said Lord High Treasurer or the Commissioners of His Majesty's Treasury his Opinion thereupon; and the said Remembrancer is hereby required to inquire and report accordingly.

Chief Remembrancer may take Evidence vivâ voce or by Affidavit.

XL. And be it enacted, That it shall be lawful for the said Chief Remembrancer in proceeding such Reference as aforesaid, or upon any of the Matters herein-before mentioned, to examine all such Parties and Persons as he shall deem proper upon Oath, and to take Evidence *vivâ voce*, or by Affidavit, or upon written Interrogatories, to be exhibited by his Examiner or any Commissioner to be by him appointed for that Purpose, and to issue Process to compel the Attendance and Examination of Parties and Witnesses, and the Production of Books, Papers, or Writings, before him, or such Commissioner or Examiner as aforesaid, and to that end to exercise all Powers vested for such Purposes in the said Court.

Order of Chief Remembrancer to be Order of the Court, but may be reversed, varied, or altered by the Barons.

XLI. And be it enacted, That every Order made by the said Chief Remembrancer in proceeding upon any of the Matters aforesaid shall be entered by his Secondary, and shall be deemed and taken to be an Order of the said Court, and shall be executed as such: Provided always, that every such Order may be reversed, varied, or altered by the Chief Baron and the other Barons of the said Court, upon Motion or Petition, provided that such Motion or Petition be made or presented within the Term ensuing the Time at which the Party complaining shall have

Notice of the Order complained of and otherwise that such Order shall be final and conclusive.

XLII. And be it further enacted, That such Fees as are specified in the Second Schedule to this Act annexed, and as shall be ordained and authorized by any Order or Orders to be for that Purpose made by the said Court of Exchequer, and no other, shall be taken by the said Second Remembrancer; and it shall and may be lawful for the Lord Chief Baron of the said Court, and the Lord High Treasurer or any Three or more of the Commissioners of the Treasury for the Time being, and they are hereby required, by some Writing under their respective Hands, to ascertain for and allow to the said Second Remembrancer such annual Salary thereout as to them shall seem reasonable; and such Salary shall be paid and payable to him quarterly, (that is to say,) on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Fifth Day of *October* in every Year; and he shall keep One or more Book or Books, and shall cause all Fees by him received to be duly and regularly entered therein, and shall submit the same to the Inspection of the said Lord Chief Baron and of the said Lord High Treasurer or Commissioners of the Treasury, or such Person as they shall appoint for that Purpose, whenever he shall be thereto required; and shall also within One Week after each of the Quarter Days aforesaid render a true and faithful Account in Writing (to be verified on Oath if required) to the Lord High Treasurer or Commissioners of the Treasury for the Time being of all Fees by him received and retained in the Quarter immediately preceding the rendering of such Account; and shall also within the same Period pay over the Balance of such Account (if any) into the Receipt of His Majesty's Exchequer at *Dublin*: Provided always, that if upon the Examination of any such Account it shall appear to the said Lord High Treasurer or Commissioners aforesaid that any unreasonable or improper Charge or Deduction has been made therein, the same shall be disallowed by the Treasurer or Commissioner; and the Amount of all and every Sum of Money so disallowed shall, within Ten Days after such Disallowance thereof shall be notified to the said Second Remembrancer, and be paid by him into the said Receipt of His Majesty's Exchequer; and the said Treasurer or Commissioners shall cause Copies of all such Accounts to be laid before each House of Parliament at the Commencement of the Session of Parliament next after the rendering thereof; and all Sums so paid into the Receipt of the Exchequer shall be carried to the Credit of the Consolidated Fund, a separate Account being kept thereof: Provided also, that the said Second Schedule and every thing therein contained shall be deemed and be Part of this Act.

XLIII. And whereas by an Act passed in the Fourth Year of His late Majesty it is enacted, that the said Chief Remembrancer and every other Officer of the Equity Side of the Court of Exchequer in *Ireland* shall respectively execute the Duties of his Office in Person, except only in case of Sickness or necessary Absence; be it therefore enacted, That no Person holding the said Office of Chief Remembrancer or the said Office of Second Remembrancer, or any other Officer on the Equity or

Fees for Second Remembrancer.

Officers of the Equity Side of the Exchequer disqualified to sit in Parliament.

Review

Review Side of the said Court of Exchequer, shall be capable of being elected or of sitting or voting as a Member of the House of Commons.

Elections of  
such Persons to  
Parliament void.

XLIV. And be it further enacted, That if any Person holding any of the said Offices shall be returned as a Member to serve in Parliament such Election and Return are hereby declared to be void; and if any Person so declared incapable of being elected and so returned shall presume to sit or vote as a Member of the House of Commons, every such Person so sitting and voting shall thenceforth be incapable of taking, holding, or enjoying any Office of Honour or Profit under His Majesty, His Heirs and Successors, and shall forfeit the Sum of Five hundred Pounds for every Day in which he shall sit or vote in the said House of Commons to such Person or Persons as shall sue for the same in any of His Majesty's Courts of *Westminster*; and the Money so forfeited shall be recovered by the Person or Persons so suing, with full Costs of Suit, in any of the said Courts, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Privilege, Protection, or Wager of Law shall be allowed, and only One Impar lance.

Commencement  
of Act.

XLV. And be it further enacted, That this Act shall commence and take effect from the First Day of *November* One thousand eight hundred and thirty-five.

## SCHEDULES to which this Act refers.

### FIRST SCHEDULE.

BY the LORD LIEUTENANT GENERAL and GENERAL GOVERNOR  
of IRELAND.

To *A. B.* of &c.

WHEREAS We have been pleased to nominate and appoint you for and to be Sheriff of the County of during His Majesty's Pleasure: These are therefore to require you to take the Custody and Charge of the said County, and duly to perform the Duties of Sheriff thereof during His Majesty's Pleasure, and whereof you are duly to answer according to Law.

Dated this Day of One thousand eight hundred and

By His Excellency's Command,

*C. D.*

[When the Appointment shall be by any other or others than the Lord Lieutenant the Form shall be altered accordingly.]

### SECOND SCHEDULE.

A TABLE of all FEES which it shall be lawful for the Second Remembrancer of the Court of Exchequer in Ireland to accept for Acts done by him, and which shall be in lieu of any Fees or Stamp Duties which would otherwise become or be payable thereupon.

SUMMONS.—On every Summons which shall actually issue on a Reference or any other Proceedings	£	s.	d.
	0	13	0
CERTIFICATES.—On every Certificate, except Certificates at the Foot of Bills of Costs			
		0	6 6

On every Certificate at the Foot of any Bill of Costs	£	s.	d.
Where the Amount, as furnished or claimed by such Bill, shall not exceed the Sum of £50	-	-	0 10 6
Where such Amount shall exceed the Sum of £50, for every Sum of £10 or fractional Part of £10 above £50, an additional Sum of	-	-	0 3 0
RECOGNIZANCE.—Any Recognizance taken or acknowledged, for each Cognizor	-	-	0 6 6
REPORTS.—Any Report under Interlocutory Order	-	-	1 1 0
Under Decretal Order pronounced in a short Cause	-	-	2 2 0
Under Decretal Order pronounced in a long Cause	-	-	3 3 0
NOTICES.—Any Notice, Advertisement, or Posting to sell Lands pursuant to any Decree, or to set Lands pursuant to any Order or Decree	-	-	1 1 0
LEASES and DEEDS.—Any Lease, and any Counterpart thereof, where the usual printed Form will suffice	-	-	0 5 0
Any other Deed where the usual printed Form will suffice	-	-	0 10 0
Any Lease, and any Counterpart thereof, where the Contract is of so special a Nature that a special Conveyance shall be prepared and engrossed	-	-	1 1 0
Any other Contract of such special Nature	-	-	2 2 0
Any Deed executed in the Name of any Party in a Cause refusing or declining to execute such Deed, or residing out of the Jurisdiction of the Court, for each Person so declining or refusing, or residing beyond such Jurisdiction	-	-	0 5 0
Any Deed of any other Sort	-	-	2 2 0
For signing any Answer as Guardian of any Minor or infirm Person	-	-	0 10 6
Any Approbation for the Sale or Transfer of Stock	-	-	0 10 6
Any Petition signed and approved of as Guardian of any Minor or other Person	-	-	0 6 6

## C A P. LVI.

An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom.

[9th September 1835.]

‘ **W**HEREAS by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, for the registering of *British* Vessels, certain Rules are established for ascertaining the Tonnage of Ships as well on shore as afloat, and of Vessels propelled by Steam; and the Account of such Tonnage, whenever the same shall have been ascertained according

3&4 W. 4. c. 55.

‘ cording to the Rules therein prescribed (except in the Case  
 ‘ of Ships admeasured afloat), it is thereby enacted shall be  
 ‘ deemed the Tonnage of such Ships, and shall be repealed in  
 ‘ every subsequent Registry of such Ships, unless any Alteration  
 ‘ shall have been made in their Form and Burthen, or unless it  
 ‘ be discovered that the Tonnage had been erroneously com-  
 ‘ puted: And whereas it is considered that the Capacity of a  
 ‘ Ship is the fairest Standard by which to regulate its Tonnage,  
 ‘ that internal Measurements will afford the most accurate and  
 ‘ convenient Method of ascertaining that Capacity, and that the  
 ‘ Adoption of such a Mode of Admeasurement will tend to the  
 ‘ Interests of the Ship Builder and the Owner, as well as to  
 ‘ the proper Collection of the Dues which by Law are payable  
 ‘ on Tonnage; and it is expedient to alter and amend the Law  
 ‘ in this respect:’ Be it therefore enacted by the King’s most  
 Excellent Majesty, by and with the Advice and Consent of the  
 Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, That  
 from and after the Commencement of this Act so much of the  
 said recited Act as establishes Rules for ascertaining the Ton-  
 nage of Ships shall be and the same is hereby repealed so far as  
 respects the Merchant Shipping of the United Kingdom to be  
 thereafter registered.

Rules estab-  
 lished by  
 recited Act for  
 ascertaining  
 Tonnage  
 repealed.

The Rule by  
 which Tonnage  
 of Vessels is to  
 be ascertained.

II. And be it further enacted, That from and after the Com-  
 mencement of this Act the Tonnage of every Ship or Vessel  
 required by Law to be registered shall, previous to her being  
 registered, be measured and ascertained while her Hold is clear,  
 and according to the following Rule; (that is to say,) Divide the  
 Length of the Upper Deck between the Afterpart of the Stem  
 and the Forepart of the Stern-post into Six equal Parts. Depths:  
 At the foremost, the middle, and the aftermost of those Points  
 of Division, measure in Feet and Decimal Parts of a Foot the  
 Depths from the under Side of the Upper Deck to the Ceiling  
 at the Limber Strake. In the Case of a Break in the Upper  
 Deck, the Depths are to be measured from a Line stretched in  
 a Continuation of the Deck. Breadths: Divide each of those  
 Three Depths into Five equal Parts, and measure the Inside  
 Breadths at the following Points; *videlicet*, at One Fifth and at  
 Four Fifths from the Upper Deck of the foremost and aftermost  
 Depths, and at Two Fifths and Four Fifths from the Upper Deck  
 of the midship Depth. Length: At Half the midship Depth mea-  
 sure the Length of the Vessel from the Afterpart of the Stem  
 to the Forepart of the Stern-post; then to Twice the midship  
 Depth add the foremost and the aftermost Depths for the Sum  
 of the Depths; add together the upper and lower Breadths at  
 the foremost Division, Three Times the upper Breadth, and the  
 lower Breadth at the midship Division, and the upper and Twice  
 the lower Breadth at the after Division, for the Sum of the  
 Breadths; then multiply the Sum of the Depths by the Sum of  
 the Breadths, and this Product by the Length, and divide the  
 final Product by Three thousand five hundred, which will give  
 the Number of Tons for Register. If the Vessel have a Poop  
 or Half Deck, or a Break in the Upper Deck, measure the  
 Inside Mean Length, Breadth, and Height of such Part thereof

as may be included within the Bulk-head ; multiply these Three Measurements together, and dividing the Product by 92·4, the Quotient will be the Number of Tons to be added to the Result as above found. In order to ascertain the Tonnage of open Vessels, the Depths are to be measured from the upper Edge of the upper Strake.

III. And be it further enacted, That the Tonnage or Burthen of every Ship belonging to the United Kingdom, ascertained in the Manner herein-before directed, shall, in respect of any such Ship which shall be registered after the Commencement of this Act (except as herein-after excepted), be inserted in the Certificate of the Registry thereof, and be taken and deemed to be the Tonnage or Burthen thereof for all the Purposes of the said recited Act.

Tonnage to be entered on Register.

IV. Provided always, and be it further enacted, That in each of the several Rules herein-before prescribed, when applied for the Purpose of ascertaining the Tonnage of any Ship or Vessel propelled by Steam, the Tonnage due to the Cubical Contents of the Engine Room shall be deducted from the Total Tonnage of the Vessel as determined by either of the Rules aforesaid, and the Remainder shall be deemed the true Register Tonnage of the said Ship or Vessel. The Tonnage due to the Cubical Contents of the Engine Room shall be determined in the following Manner ; that is to say, measure the Inside Length of the Engine Room in Feet and Decimal Parts of a Foot from the foremost to the aftermost Bulk-head, then multiply the said Length by the Depth of the Ship or Vessel at the midship Division as aforesaid, and the Product by the Inside Breadth at the same Division at Two Fifths of the Depth from the Deck taken as aforesaid, and divide the last Product by 92·4, and the Quotient shall be deemed the Tonnage due to the Cubical Contents of the Engine Room.

Mode of ascertaining Tonnage of Steam Vessels.

V. Provided always, and be it further enacted, That the Tonnage due to the Cubical Contents of the Engine Room and also the Length of the Engine Room shall be set forth in the Certificate of Registry as Part of the Description of the Ship or Vessel, and that any Alteration of such Tonnage due to the Cubical Contents of the Engine Room or of such Length of the Engine Room, after Registry, shall be deemed to be an Alteration requiring Registry *de novo* within the Meaning of the said Act for the registering of Ships or Vessels.

Length, &c. of Engine Room to be set forth in Description of Steam Vessel.

VI. And be it further enacted, That for the Purpose of ascertaining the Tonnage of all such Ships, whether belonging to the United Kingdom or otherwise, as there shall be Occasion to measure while their Cargoes are on board, the following Rule shall be observed and is hereby established ; (that is to say,) Measure, first, the Length on the Upper Deck between the After-part of the Stem and the Forepart of the Stern-post ; secondly, the Inside Breadth on the Underside of the Upper Deck at the middle Point of the Length ; and, thirdly, the Depth from the Underside of the Upper Deck down the Pump-well to the Skin ; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnage of such Ships.

For ascertaining Tonnage of Vessels when laden.

VII. And

Register Tonnage to be carved on Main Beam.

VII. And be it further enacted, That the true Amount of the Register Tonnage of every Merchant Ship or Vessel belonging to the United Kingdom, to be ascertained according to the Rule by this Act established in respect of such Ships, shall be deeply carved or cut in Figures of at least Three Inches in Length on the Main Beam of every such Ship or Vessel, prior to her being registered.

Not to alter Tonnage of Vessels already registered.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend to alter the present Measure of Tonnage of any Ship or Vessel which shall have been registered prior to the Commencement of this Act, unless in Cases where the Owners of any such Ships shall require to have their Tonnage established according to the Rule herein-before provided, or unless there shall be Occasion to have any such Ship admeasured again on account of any Alteration which shall have been made in the Form or Burthen of the same, in which Cases only such Ships shall be re-admeasured according to the said Rule, and their Tonnage registered accordingly.

Commencement of Act.

IX. And be it further enacted, That this Act shall commence and take effect upon and from the First Day of *January* One thousand eight hundred and thirty-six.

Act may be altered, &c.

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

### C A P. LVII.

An Act to extend to *Scotland* certain Provisions of an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in *Scotland*. [9th September 1835.]

WHEREAS it is expedient to repeal the Law relative to Savings Banks in *Scotland*, and to make other Provisions respecting Savings Banks in *Scotland*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Clauses and Provisions of a certain Act made and passed in the Ninth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, and also of a certain other Act made and passed in the Third Year of the Reign of His present Majesty, 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, shall from and after the passing of this Act extend to *Scotland*.

Provisions of 9 G. 4. c. 92. & 3 W. 4. c. 14. extended to Scotland.

II. And be it further enacted, That the Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the Protection of Banks for Savings in Scotland*, shall, so far as the same is applicable to any Savings Bank hereafter to

59 G. 3. c. 62. in part repealed, except as to Banks already established.



be formed and established in *Scotland* from and after the passing of this Act, be repealed: Provided nevertheless, that the Provisions of the said last-mentioned Act shall continue in force as to all Savings Banks established under it before the passing of this Act unless and until they shall conform to and be established under the Provisions of the said Acts of the Ninth Year of His late Majesty and the Third Year of His present Majesty.

III. And be it further enacted, That it shall be competent to the Trustees, Managers, or Directors, or other Persons legally intrusted with the Management of any Savings Bank already established in *Scotland* under the Authority of the Act hereby repealed, or to the major Part of them assembled at any General Meeting to be convened according to the respective Rules and Regulations of such Savings Banks, to establish such Savings Banks under the said last-mentioned Acts by preparing, enrolling, and depositing the Rules and Regulations thereof, in conformity to Law and with the Provisions of the said last-mentioned Acts, and such Savings Bank shall thereafter be deemed and taken to be established under the Provisions of the said last-mentioned Acts to all Intents and Purposes.

Existing Banks may conform to the last-mentioned Acts in preparing and depositing their Rules.

IV. And be it enacted, That where the said recited Act or Acts provide for Payments made to any of the Relations of any deceased intestate Depositor according to the Statute of Distributions, the Provisions thereof shall be held to apply to Payments made to Persons appearing to be next of Kin according to the Law of *Scotland*; and that where the said recited Act or Acts refer to Probate of the Will of the deceased, or Letters of Administration of his or her Estate and Effects, and provide that they shall or shall not be received in the Cases therein provided, the said Provisions in the said recited Act or Acts shall be held to apply to Confirmation by the Law of *Scotland*, and the same shall be required or dispensed with as therein provided.

Application of the Law of Scotland in peculiar Cases.

V. And be it further enacted, That this Act shall extend to all Savings Banks hereafter to be established in *Scotland*, and also to all Savings Banks already established in *Scotland*, as soon as they shall have been established under the Provisions thereof, and be deemed a Public Act, and be judicially taken notice of as such by all Judges, Justices and other Persons whomsoever, without the same being specially shown or pleaded.

Act to extend to Scotland, and to be deemed a Public Act.

### C A P. LVIII.

An Act to amend the Acts relating to the Hereditary Land Revenues of the Crown in *Scotland*.

[9th September 1835.]

‘ **W**HEREAS an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled ‘ *An Act to extend the Provisions of an Act of the Fifty-ninth Year of His late Majesty, concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors:* ‘ And whereas an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled ‘ *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty’s Woods, Forests, Parks, and Chases;* ‘ of

6 G. 4. c. 17.

10 G. 4. c. 50.

2 W. 4. c. 1. ' of the Land Revenue of the Crown within the Survey of the Ex-  
 ' chequer in England; and of the Land Revenue of the Crown in  
 ' Ireland; and for extending certain Provisions relating to the same  
 ' to the Isles of Man and Alderney: And whereas an Act passed  
 ' in the Second Year of the Reign of His present Majesty, inti-  
 ' tuled *An Act for uniting the Office of the Surveyor General of*  
 ' *His Majesty's Works and Public Buildings with the Office of the*  
 ' *Commissioners of His Majesty's Woods, Forests, and Land Re-*  
 ' *venues; and for other Purposes relating to the Land Revenues:*  
 ' And whereas an Act passed in the Second and Third Years of  
 ' the Reign of His present Majesty, intituled *An Act to authorize*  
 ' *the Hereditary Land Revenues of the Crown in Scotland being*  
 ' *placed under the Management of the Commissioners of the Land*  
 ' *Revenues:* And whereas an Act passed in the Third and Fourth  
 ' Year of His present Majesty, intituled *An Act to extend and*  
 ' *enlarge the Powers of the Commissioners of His Majesty's Woods,*  
 ' *Forests, Land Revenues, Works, and Buildings, in relation to the*  
 ' *Management and Disposition of the Land Revenue of the Crown*  
 ' *in Scotland:* And whereas Doubts have arisen, in consequence  
 ' of the said Acts, as to the Powers and Authorities of the Com-  
 ' missioners of His Majesty's Treasury in relation to the Reco-  
 ' very, Management, Superintendence, and Disposition of the  
 ' Interests of His Majesty, His Heirs and Successors, in right of  
 ' His Crown, as ultimus Hæres, and in Cases of Bastardy in *Scot-*  
 ' *land;* and it is expedient that such Doubts should be removed:  
 Be it therefore declared and enacted by the King'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 all Powers  
 and Authorities for the ascertaining and recovering, and for the  
 Management, Superintendence, and Care of all Rights and Inter-  
 ests of His Majesty, His Heirs and Successors, in right of His  
 Crown, in *Scotland,* as ultimus Hæres, or in Cases of Bastardy,  
 or by reason of any Forfeiture whatsoever, shall be and are  
 hereby declared to be vested in the Lord High Treasurer or the  
 Commissioners of His Majesty's Treasury, or any Three or more  
 of them, for the Time being, in the same Manner and to the same  
 Extent as such Powers and Authorities were vested in the Lord  
 High Treasurer or the Commissioners of the Treasury for the  
 Time being prior to the passing of any of the said recited Acts;  
 any thing in the said Acts or either of them to the contrary not-  
 withstanding.

Powers to be  
 vested in the  
 Lord High  
 Treasurer or  
 the Commis-  
 sioners of the  
 Treasury.

All former Acts  
 of Commis-  
 sioners of the  
 Treasury to be  
 valid.

II. And be it further declared and enacted, That all Grants  
 heretofore made, and all Acts, Matters, and Things, done by the  
 Commissioners of His Majesty's Treasury, or any Three or more  
 of them, in relation to any such Rights and Interests in *Scotland,*  
 since the passing of the said recited Acts of the Second and  
 Third Years and of the Third and Fourth Years of the Reign of  
 His present Majesty, in exercise of the Powers and Authorities  
 vested in them by Law or Usage prior to the passing of any of  
 the said Acts, shall be and are hereby declared to be good,  
 valid, and effectual to all Intents and Purposes, any thing in  
 the said recited Acts or either of them, or of any other Act or Acts  
 of Parliament, to the contrary notwithstanding.

III. And

III. ' And whereas the said last-recited Act does not enable His Majesty to grant any Land or Building, Part of the Possessions and Land Revenues of the Crown in *Scotland*, for the Purposes specified in the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth with respect to the Possessions and Land Revenues of the Crown to which that Act relates; and it is desirable that His Majesty, His Heirs and Successors, should be at liberty to grant any Lands or Hereditaments, Part of the Possessions and Land Revenues of the Crown in *Scotland*, for any of the Purposes herein mentioned, whenever He or They shall be graciously pleased so to do; be it therefore enacted, That the King's Majesty, His Heirs and Successors, shall at any Time hereafter have full Power and Authority, out of the Possessions and Land Revenues of the Crown in *Scotland*, to give and grant to and vest in any Body Politic or Corporate, or any Person or Persons whomsoever, and their Heirs and Successors respectively, for such Estate or Interest therein as to His Majesty, His Heirs and Successors, shall seem meet, any Building proper to be used as or converted into, or any Ground proper for the Site of, any Church or Chapel, with or without a Cemetery or Burial Ground thereto, or 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 any Ground proper for the Site or Sites of any such Residence, or of any Parochial or District School, with or without a Garden thereto, any thing in the said Act of the Third and Fourth Years of the Reign of His present Majesty, or any other Law or Statute, to the contrary in anywise notwithstanding; and such Body or Bodies Politic or Corporate, or Person or Persons, and their Heirs, Successors, Executors, or Administrators, shall have full Capacity and Ability to take, hold, and enjoy the same; and whenever it shall be the Pleasure of His Majesty, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to issue a Warrant under his or their Hand or Hands to any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, which Warrant shall be exempt from any Stamp Duty whatsoever: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable His Majesty, His Heirs or Successors, to grant more than Five Statute 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 One thousand Pounds; and that all such Grants shall be carried into effect by Charters and other Instruments, according to the Law and Practice of *Scotland*, and not otherwise.

His Majesty may grant Sites for Churches, &c. out of Land Revenues in *Scotland*.

Limitation of Grants.

IV. And be it further enacted, That a Minute or Docket of every such Grant or Warrant shall be entered and preserved by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in their Office.

Minutes to be preserved.

Commissioners of Woods, in their Reports, to certify all Grants made under this Act.

V. Provided always, and be it further enacted, That the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall, in every Report which shall be made by them to the King's most Excellent Majesty and to both Houses of Parliament touching or concerning the Land Revenue of the Crown, from and after the passing of this Act, certify and report every Grant which shall have been made under and by virtue of the Provisions of this Act since the Time of the making their last preceding Report, and to whom and for what Purpose the same shall have been made, and what Land or Ground shall be comprised therein, and all other Particulars relating thereto.

### C A P. LIX.

An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto. [9th September 1835.]

‘ WHEREAS frequent Accidents arise from improperly driving Cattle, and many and great Cruelties are practised by improperly driving and conveying Cattle to, at, and from public Markets and otherwise, as well as in slaughtering and keeping and detaining the same without Food and Nourishment, to the great and needless Increase of the Sufferings of dumb Animals and to the Demoralization of the People, and whereby the Lives and Property of His Majesty's Subjects are greatly endangered and injured: And whereas it is expedient to reduce into One Act, and to alter, amend, and enlarge the Powers and Provisions of several Acts now in force relating to the cruel and improper Treatment of Cattle, and the Mischiefs arising from the driving thereof, and also to prevent as far as possible the cruel and improper Treatment of Cattle and other Animals, and to make divers Provisions in regard thereto: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Act herein-after mentioned, (that is to say,) an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to prevent the cruel and improper Treatment of Cattle*, and so much of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for the more effectual Administration of Justice in the Office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its Vicinity for Three Years*, as recites and enacts as follows, (that is to say,) “ And whereas divers Places in and about the Metropolis are kept and used for the Purpose of fighting or baiting of Bears or other Animals, at which Places idle and disorderly Persons commonly assemble, to the Interruption of good Order and the Danger of the public Peace; be it therefore enacted, that any Person

The Act  
3 G. 4. c. 71.  
and Part of  
the Act  
3 W. 4. c. 19.  
repealed.

Person who shall, within Five Miles of *Temple Bar*, keep or use or shall act in the Management or conducting of any Premises or Place whatsoever for the Purpose of fighting or baiting of Bears, Cock-fighting, baiting or fighting of Badgers or other Animals, shall, on Conviction thereof before any One Justice of the Peace, forfeit any Sum not exceeding Five Pounds, and in default of immediate Payment shall be liable to be imprisoned and kept to hard Labour for any Time not exceeding Two Months, unless the said Penalty shall be sooner paid;” shall be and the same are hereby severally repealed, and made null and void to all Intents and Purposes, save and except as to any Penalties or Forfeitures incurred and not recovered, and to any Offences or other Matters committed and done before the passing of this Act.

II. And be it further enacted, That if any Person shall from and after the passing of this Act wantonly and cruelly beat, ill-treat, abuse, or torture any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Dog, or any other Cattle or domestic Animal, or if any Person who shall drive any Cattle or other Animal shall, by Negligence or ill Usage in the driving thereof, be the Means whereby any Mischief, Damage, or Injury shall be done by any such Cattle or other Animal, every such Offender, being convicted of any or either of the said Offences before any One Justice of the Peace for the City, Town, or County in which any such Offence shall have been committed, shall for every such Offence forfeit and pay (over and above the Amount of the Damage or Injury (if any) done thereby, which Damage or Injury shall and may be ascertained and determined by such Justice) such a Sum of Money, not exceeding Forty Shillings nor less than Five Shillings with Costs, as to such Justice shall seem meet; or the Offender shall, in default of Payment, be committed to the Common Gaol or House of Correction for the City, Town, or County in which such Offence shall have been committed, there to be imprisoned for any Time not exceeding Fourteen Days; provided that nothing in this Act contained shall prevent or abridge any Remedy by Action against the Employer of any such Offender where the Amount of the Damage is not sought to be recovered by virtue of this Act.

III. ‘ And whereas Cruelties are greatly promoted and encouraged by Persons keeping Houses, Rooms, Pits, Grounds, or other Places for the fighting or baiting of Dogs, Bulls, Bears, or other Animals, and for fighting Cocks, and by Persons aiding or assisting therein, and the same are great Nuisances and Annoyances to the Neighbourhood in which they are situate, and tend to demoralize those who frequent such Places;’ be it therefore enacted, That from and after the passing of this Act, if any Person shall keep or use any House, Room, Pit, Ground, or other Place for the Purpose of running, baiting, or fighting any Bull, Bear, Badger, Dog, or other Animal (whether of domestic or wild Nature or Kind), or for Cock-fighting, or in which any Bull, Bear, Badger, Dog, or other such Animal shall be baited, run, or fought, every such Person shall be liable to a Penalty not exceeding Five Pounds nor less than Ten Shillings for every Day in which he shall so keep and use such House, Room, Pit,

Any Person wantonly and cruelly beating or otherwise ill-treating any Cattle, &c. or improperly driving the same, whereby any Mischief shall be done, shall, upon Conviction, be fined or committed to Prison.

Persons keeping Pits for fighting Dogs or baiting Bears, &c. guilty of a Nuisance, and liable to Penalties.

The Person who shall be the Manager of such House to be deemed the Keeper.

Ground, or Place for any of the Purposes aforesaid: Provided always, that the Person who shall act as the Manager of any such House, Room, Pit, Ground, or other Place, or who shall receive any Money for the Admission of any Person thereto, or who shall assist in any such baiting or fighting, or Bull-running, shall be deemed and taken to be the Keeper of the same for the Purposes of this Act, and be liable to all such Penalties as are by this Act imposed upon the Person who shall actually keep any such House, Room, Pit, Ground, or other Place for the Purposes aforesaid.

Parties impounding Cattle to provide sufficient Food for them.

IV. ' And whereas great Cruelties are practised by reason of ' keeping and detaining Horses, Asses, and other Cattle and ' Animals impounded and confined without Food frequently for ' many Days; ' for Remedy whereof, be it enacted, That from and after the passing of this Act every Person who shall impound or confine, or cause to be impounded or confined, any Horse, Ass, or other Cattle or Animal, in any Common Pound, open Pound, or close Pound, or in any inclosed Place, shall and he is hereby required to find, provide, and supply such Horse, Ass, and other Cattle or Animal so impounded or confined, daily with good and sufficient Food and Nourishment for so long a Time as such Horse, Ass, or other Cattle or Animal shall remain and continue so impounded or confined as aforesaid; and every such Person who shall so find, provide, and supply any such Horse, Ass, or other Cattle or Animal, with such daily Food and Nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the Owner or Owners of such Cattle or Animal not exceeding Double the full Value of the Food and Nourishment so supplied to such Cattle or Animal as aforesaid by proceeding before any One Justice of the Peace within whose Jurisdiction such Cattle or Animal shall have been so impounded and supplied with Food as aforesaid, in like Manner as any Penalty or Forfeiture, or any Damage or Injury, may be recovered under and by virtue of any of the Powers or Authorities in this Act contained, and which Value of the Food and Nourishment so to be supplied as aforesaid such Justice is hereby fully authorized and empowered to ascertain, determine, and enforce as aforesaid; and every Person who shall have so supplied such Food and Nourishment as aforesaid shall be at liberty, if he shall so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the Expiration of Seven clear Days from the Time of impounding the same, to sell any such Horse, Ass, or other Cattle or Animal, openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that can be then got for the same, and to apply the Produce in discharge of the Value of such Food and Nourishment so supplied as aforesaid, and the Expences of and attending such Sale, rendering the Overplus (if any) to the Owner of such Cattle or Animal.

Remedy for the Recovery thereof.

Persons may enter Pounds, &c.

V. And be it further enacted, That in case any Horse, Ass, or other Cattle or Animal shall at any Time so remain impounded or confined as aforesaid without sufficient daily Food or Nourishment more than Twenty-four Hours, it shall and may be lawful

to and for any Person or Persons whomsoever from Time to Time and as often as shall be necessary to enter into and upon any such Common Pound, open Pound, or close Pound, or other inclosed Place in which any such Cattle or Animal shall be so impounded or confined, and to supply such Cattle or Animal with such good and sufficient Food and Nourishment during so long a Time as such Cattle or Animal shall so remain and continue impounded or confined as aforesaid, without being liable to any Action of Trespass or other Proceeding by any Person or Persons whomsoever for or by any reason of such Entry or Entries for the Purposes aforesaid.

VI. And be it further enacted, That in case any such Person who shall so impound or confine, or cause to be impounded or confined, any such Horse, Ass, or other Cattle or Animal as aforesaid, shall refuse or neglect to find, provide, and supply such daily good and sufficient Food and Nourishment to such Cattle and Animal so impounded or confined as aforesaid, he and they shall for every Day during which he or they shall so refuse or neglect to find, provide, and supply the same as aforesaid, forfeit and pay the Sum of Five Shillings; which last Sum and Sums of Money shall and may be recoverable by proceeding before any One Justice of the Peace in like Manner as herein-before provided for the Recovery of any Penalty, Forfeiture, Damage, or Injury as herein-before mentioned.

Penalty on Parties neglecting to feed impounded Cattle.

VII. And whereas great Cruelty is practised by reason of diseased, old, and worn-out Horses sold or taken to Knackers or Slaughtermen for the Purpose of Slaughter, being frequently resold or compelled to work, or kept without sufficient Food; for Remedy whereof be it further enacted, That if any Person keeping or using any House or Place for the Purpose of slaughtering or killing any Horse or Cattle (which shall not be for Butcher's Meat) shall at any Time hereafter slaughter or kill any Horse or Cattle (not being for Butcher's Meat) without having previously taken out a Licence for that Purpose, and without having previously affixed over the outer Gate or Entrance from the public Highway to said licensed Premises the Board and Inscription in manner and form prescribed according to the Provisions of an Act of Parliament passed in the Twenty-sixth Year of the Reign of King George the Third, intituled *An Act for regulating Houses and other Places kept for the Purpose of slaughtering Horses*, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, or be liable to such Punishment as in the said Act is provided.

As to slaughtering Horses, &c.

26 G. 3. c. 71.

VIII. And be it further enacted, That every Person so keeping or using any House or Place for the Purpose of slaughtering or killing Horses or other Cattle shall kill and slaughter every such Horse or Cattle within Three Days next after such Horse or other Cattle shall have been purchased by or brought and delivered to him, or any Person in his Service or Employ, for the Purposes of Slaughter as aforesaid, and shall also in the meantime, and until such Horse or other Cattle shall have been so slaughtered, find and provide such Horse or other Cattle with good and sufficient daily Food and Nourishment, and shall also,

Horses to be slaughtered within Three Days after Purchase, and in the meantime to be provided with Food.

at the Time of receiving such Horse or Cattle for the Purposes aforesaid, enter in the Book which by the said Act of the Twenty-sixth of *George* the Third is required to be kept by such Person for the Purposes in the said Act mentioned, a correct Description of the Colour and Gender of the Horse so purchased by or delivered to him for the Purposes aforesaid, with the Date of receiving the same; and if any such Horse or other Cattle so received for the Purpose of being slaughtered as aforesaid shall be employed in any Manner of Work, or shall not be supplied with good and sufficient Food during the Time he shall survive, every such Person so receiving every such Horse or other Cattle shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings for every Day on which such Offence shall be committed or continued.

Any Constable or Peace Officer, or the Owner of any Cattle, may seize Offenders.

IX. And, for the more easy and effectual Apprehension of all Offenders against this Act, be it further enacted, That when and so often as any of the said Offences shall happen it shall and may be lawful to or for any Constable or other Peace Officer, or for the Owner of any such Cattle or Animal, upon View thereof, or upon the Information of any other Person (who shall declare his, her, or their Name or Names and Place or Places of Abode to the said Constable or other Peace Officer), to seize and secure by the Authority of this Act, and forthwith and without any other Authority or Warrant to convey any such Offender before any One Justice of the Peace within whose Jurisdiction the Offence shall have been committed, to be dealt with according to Law, and such Justice shall forthwith proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching any such Offence (which Oath the said Justice is hereby authorized and empowered to administer).

As to Names of Offenders.

X. And be it further enacted, That if any Person who shall be apprehended for having committed any Offence against this Act shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought, such Person refusing shall immediately be delivered over to a Constable or other Peace Officer, and shall by him be conveyed to the Common Gaol or House of Correction for the City, Town, or County within which the Offence shall have been committed, or in which the Offender shall have been apprehended, there to remain for a Space not exceeding One Calendar Month, or until he shall make known his Name and Place of Abode to the said Justice.

Limitation as to summary Proceedings.

XI. And be it further 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, and also the Evidence of any Overseer or Inhabitant of the Parish in which the Offence shall have been committed, notwithstanding any Forfeiture or Penalty incurred by the Offence may be payable to the Overseers of the Poor of such Parish.

to Con-  
ma.

XII. And be it further enacted, That in every Case of a Conviction under this Act, where the Sum which shall be awarded for



for the Amount of the Damage or Injury done, or which shall be imposed as a Penalty by any such Justice as aforesaid for any Offence contrary to this Act, shall not be paid either immediately upon or after the Conviction, or within such Period as such Justice shall at the Time of the Conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) 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 such Justice, for any Term not exceeding Fourteen Days, where the Amount of the Sum awarded or the Penalty imposed or both (as the Case may be), together with the Costs, shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months where the Amount, with Costs, shall exceed Five Pounds; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Sum or Sums awarded and Costs.

XIII. And be it further enacted, That it shall be lawful for any One such Justice as aforesaid, in all Cases in which no other Mode of proceeding is specially provided or directed by this Act, or in any Case where any Person shall not be conveyed before any Justice by the Authority of this Act, upon Information or Complaint made by any Person of any Offence against the Provisions of this Act, within Fourteen Days next after the Commission of any such Offence to summon the Party accused to appear before such Justice, or before any other Justice of the Peace, at a Time and Place to be by him named; and either on the Appearance of the Party accused or in default thereof it shall be lawful for such Justice or any other Justice, at the Time and Place to be appointed for such Appearance, to proceed to examine into the Matter, and upon due Proof made thereof by voluntary Confession of the Party, or by Oath of One or more credible Witness or Witnesses, to award, order, give Judgment, or convict for the Damage or Injury, Penalty or Forfeiture, as the Case may be.

Mode of proceeding for Penalties, &c.

XIV. And be it further enacted, That in every Case where there shall be a Conviction for any Offence contrary to this Act the same shall be drawn or made out according to the Form following, or to the Effect thereof, or as near thereto as the Case shall require; (*videlicet*.)

Form of Conviction.

BE it remembered, That on the  
 County [or as the }  
 Case may be] of } Day of  
 Lord at in the Year of our  
 in the County of [or as the Case  
 may be] of A.B. is convicted before me J.P., one  
 of His Majesty's Justices of the Peace for the said County [or  
 as the Case may be], for that he the said A.B. on the  
 Day of in the Year at in the  
 said did [here specify the Offence, and on a Second  
 Conviction state the First,] and I the said J.P. do adjudge the  
 said A.B. for his said Offence to forfeit and pay the Sum of  
 [here state the Penalty actually imposed, or the  
 Penalty and also the Amount of the Injury done, or as the Case  
 may be], and also to pay the Sum of for Costs, and  
 in default of immediate Payment of the said Sums to be imprisoned in the [or, in case of a Second or subsequent  
 Conviction,

' Conviction, to be there kept to hard Labour] for the Space  
 ' of unless the said Sums shall be sooner paid ;  
 ' and I direct that the said Sum of [*the Penalty*] shall be paid as  
 ' follows ; that is to say, one Moiety thereof to the Overseers of  
 ' the Poor of the said Parish of to be by them  
 ' applied according to the Directions of the Statute in that Case  
 ' made and provided, and the other Moiety thereof to C.D. of  
 ' [*the Prosecutor, or as the Case may be*] ; and that  
 ' the said Sum of [*the Sum for the Amount of*  
 ' Injury done, if any Sum is awarded,] shall be paid to B.F. [or  
 ' the said C.D., as the Case may be] ; and I order that the said  
 ' Sum of for Costs shall be paid to the said C.D.  
 ' Given under my Hand and Seal the Day and Year first above  
 ' mentioned.'

Service of Jus-  
tice's Summons.

XV. And be it further enacted, That any Summons issued by any such Justice requiring the Appearance of any Defendant, against any of the Provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or Copy thereof be served personally on such Person as aforesaid, or be left at his usual or last known Place of Abode, in whatever County the same may be so served or left.

Penalty on Con-  
stable refusing  
or neglecting to  
serve Summons,  
&c.

XVI. And be it further enacted, That if any Constable or other Peace Officer shall refuse or neglect to serve or execute any such Summons or Warrant granted or issued by any Justice of the Peace pursuant to any of the Provisions of this Act, every such Constable or Peace Officer so offending, and being convicted thereof upon the Information of any Person before any Justice of the Peace, shall forfeit any Sum not exceeding Five Pounds as shall be awarded by such Justice, and in default of Payment thereof shall be committed by such Justice to the County Gaol or House of Correction of the City, Town, or County in which such Justice has Jurisdiction, there to be kept for the Space of Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid.

Distribution of  
Penalties, &c.

XVII. And be it further enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act shall respectively be divided, paid, and distributed in the following Manner ; (that is to say,) one Moiety thereof to the Overseers of the Poor of the Parish in which any of the Offences aforesaid shall have been committed, to be by such Overseers applied in aid of the Rates of their respective Parishes, and the other Moiety thereof, with full Costs, to the Person who shall inform and prosecute for the same, or to such other Person as to such Justice shall seem fit and proper ; and that all and every Sum or Sums of Money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace, under the Authority of this Act, to be paid as the Amount of any Damage or Injury occasioned by the Commission of any of the Offences herein-before mentioned, shall be paid to the Person who shall or may have sustained such Damage or Injury according to the Order or Determination, and at the Discretion, of any such Justice.

ents or

XVIII. And be it further enacted, That upon the hearing of Information or Complaint exhibited or made under any of the

the Provisions of this Act, any Person giving or making such Information or Complaint, or other Person, shall be deemed and is hereby declared to be a competent Witness, notwithstanding he may be entitled to any Part of the pecuniary Penalty, on the Conviction of any Offender, upon any such Information or Complaint as aforesaid.

XIX. And be it further enacted, That all Actions and Prosecutions which may be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced within One Calendar Month 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 any such Action, and specifying the Cause thereof, shall be given to the Defendant Fourteen clear Days at least before the Commencement of any such Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from or in respect of 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 One Calendar Month, 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 him, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as every Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action and of the Verdict obtained thereon.

XX. And be it further enacted, That in case any Person shall consider himself aggrieved by any Adjudication or Conviction made by any Justice of the Peace under the Authority of this Act, such Party shall and may appeal against such Adjudication or Conviction on giving Fourteen Days Notice of such Appeal, and the Cause and Matter thereof, to such Justice, to the next Quarter Sessions to be held next after the Expiration of the said Fourteen Days in or for the Town, City, Riding, County, or Division within which such Adjudication or Conviction shall have been made; and such Court of Quarter Sessions shall hear and determine the said Appeal, and award to the Party appealing against or supporting such Adjudication or Conviction such Costs as to them shall seem reasonable.

XXI. And in order to avoid the Repetition, and to prevent any Misconstruction of the Terms and Expressions used in this Act, be

Limitation of  
Actions.

Parties dis-  
satisfied with  
Adjudication  
of any Justice  
may appeal to  
Quarter Ses-  
sions.

Construction  
of Terms used  
in this Act.

be it further enacted, That whenever in this Act, with reference to any Person, Cattle, Animal, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine or Feminine Gender only, yet such Word or Words shall be understood to include several Persons or Animals as well as One Person or Animal, and Females as well as Males, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that where the Word "Cattle" is used alone in this Act the same shall be understood and taken for any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, or Lamb, or any other Cattle or domestic Animal.

### C A P. LX.

An Act for carrying into effect a Treaty with the King of the *French* and the King of *Sardinia* for suppressing the Slave Trade. [9th September 1835.]

‘ **WHEREAS** a Treaty was, on the Eighth Day of *August* in the Year of our Lord One thousand eight hundred and thirty-four, with an additional Article thereto on the Eighth Day of *December* in the same Year, concluded between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia*, and signed at *Turin*, whereby it was agreed as follows :

‘ **ARTICLE I.**—His Majesty the King of *Sardinia* accedes to the Conventions concluded and signed on the Thirtieth of *November* One thousand eight hundred and thirty-one and on the Twenty-second of *March* One thousand eight hundred and thirty-three, between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, relating to the Suppression of the Slave Trade, as well as to their Annexes, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles herein-after given, which Articles shall be considered additional to the said Conventions and to their Annexes, and excepting the Differences which necessarily result from the Situation of His *Sardinian* Majesty as a Party acceding to the Conventions in question after their Conclusion; His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French* having accepted the said Accessions, all the Articles of these Two Conventions, and all the Conditions of their Annexes, shall in consequence be held to have been concluded and signed in the same Manner as the present Convention directly between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia* :

‘ Their said Majesties engage and promise reciprocally to fulfil faithfully, excepting the Reservations and Modifications hereby stipulated for, all the Clauses, Conditions, and Obligations which result therefrom; and in order to prevent any

‘ Uncertainty it has been agreed that the above-mentioned  
 ‘ Conventions, as well as their Annexes, shall be inserted here  
 ‘ Word for Word, as follows :

‘ *Convention between His Majesty and the King of the French*  
 ‘ *for the more effectual Suppression of the Traffic in Slaves,*  
 ‘ *signed at Paris the Thirtieth Day of November One*  
 ‘ *thousand eight hundred and thirty-one.*

‘ The Courts of *Great Britain* and of *France*, being desirous  
 ‘ of rendering more effectual the Means of Suppression which  
 ‘ have hitherto been in force against the criminal Traffic known  
 ‘ under the Name of the Slave Trade, they have deemed it  
 ‘ expedient to negotiate and conclude a Convention for the  
 ‘ Attainment of so salutary an Object, and they have to this  
 ‘ End named as their Plenipotentiaries; (that is to say,) His  
 ‘ Majesty the King of the United Kingdom of *Great Britain*  
 ‘ and *Ireland*, the Right Honourable Viscount *Granville*, Peer  
 ‘ of Parliament, Member of the Privy Council, Knight Grand  
 ‘ Cross of the Most Honourable Order of the Bath, Amba-  
 ‘ sador Extraordinary and Plenipotentiary at the Court of  
 ‘ *France*; and His Majesty the King of the *French* the Lieu-  
 ‘ tenant General Count *Horace Sebastiani*, Grand Cross of the  
 ‘ Order of the Legion of Honour, Member of the Chamber of  
 ‘ Deputies of the Departments, and Minister and Secretary of  
 ‘ State for the Department of Foreign Affairs; who, after  
 ‘ having exchanged their full Powers, found to be in due  
 ‘ Form, have signed the following Articles :

‘ Article I.—The mutual Right of Search may be exercised  
 ‘ on board the Vessels of each of the Two Nations, but only  
 ‘ within the Waters herein-after described; namely,

‘ 1°. Along the Western Coast of *Africa*, from *Cape*  
 ‘ *Verde* to the Distance of Ten Degrees to the South of  
 ‘ the Equator; that is to say, from the Tenth Degree of  
 ‘ South Latitude to the Fifteenth Degree of North Lat-  
 ‘ titude, and as far as the Thirtieth Degree of West Longi-  
 ‘ tude, reckoning from the Meridian of *Paris*.

‘ 2°. All round the Isle of *Madagascar* to the Extent of  
 ‘ Twenty Leagues from that Island.

‘ 3°. To the same Distance from the Coasts of the Island  
 ‘ of *Cuba*.

‘ 4°. To the same Distance from the Coasts of the Island  
 ‘ of *Porto Rico*.

‘ 5°. To the same Distance from the Coasts of *Brazil*.

‘ It is however understood that a suspected Vessel de-  
 ‘ scribed and begun to be chased by the Cruizers whilst  
 ‘ within the said Space of Twenty Leagues may be  
 ‘ searched by them beyond those Limits, if, without  
 ‘ having ever lost Sight of her, they should only succeed  
 ‘ in coming up with her at a greater Distance from the  
 ‘ Coast.

‘ Article II.—The Right of searching Merchant Vessels  
 ‘ of either of the Two Nations in the Waters herein-before  
 ‘ mentioned shall be exercised only by Ships of War whose

‘ Com-

‘ Commanders shall have the Rank of Captain or at least  
‘ that of Lieutenant in the Navy.

‘ Article III.—The Number of Ships to be invested with  
‘ this Right shall be fixed each Year by a special Agree-  
‘ ment; the Number for each Nation need not be the same,  
‘ but in no Case shall the Number of the Cruizers of the one  
‘ Nation be more than Double the Number of the Cruizers  
‘ of the other.

‘ Article IV.—The Names of the Ships and of their Com-  
‘ manders shall be communicated by each of the contracting  
‘ Governments to the other, and Information shall be reci-  
‘ procally given of all Changes which may take place in the  
‘ Cruizers.

‘ Article V.—Instructions shall be drawn up and agreed  
‘ upon in common by the Two Governments for the Cruizers  
‘ of both Nations, which Cruizers shall afford to each other  
‘ mutual Assistance in all Circumstances in which it may be  
‘ useful that they should act in concert. The Ships of War  
‘ authorized to exercise the reciprocal Right of Search shall  
‘ be furnished with a special Authority from each of the Two  
‘ Governments.

‘ Article VI.—Whenever a Cruiser shall have chased and  
‘ overtaken a Merchant Vessel as liable to Suspicion, the  
‘ Commanding Officer, before he proceeds to the Search,  
‘ shall exhibit to the Captain of the Merchant Vessel the  
‘ special Orders which confer upon him by Exception the  
‘ Right to visit her; and in case he shall ascertain the Ship’s  
‘ Papers to be regular, and her Proceedings lawful, he shall  
‘ certify upon the Log Book of the Vessel that the Search  
‘ took place only in virtue of the said Orders; these For-  
‘ malities having been completed, the Vessel shall be at  
‘ liberty to continue her Course.

‘ Article VII.—The Vessels captured for being engaged  
‘ in the Slave Trade, or as being suspected of being fitted  
‘ out for that infamous Traffic, shall, together with their  
‘ Crews, be delivered over, without Delay, to the Jurisdic-  
‘ tion of the Nation to which they shall belong; it is fur-  
‘ thermore distinctly understood, that they shall only be  
‘ judged according to the Laws in force in their respective  
‘ Countries.

‘ Article VIII.—In no Case shall the Right of mutual  
‘ Search be exercised upon the Ships of War of either Nation.

‘ The Two Governments shall agree upon a particular  
‘ Signal, with which those Cruizers only shall be fur-  
‘ nished which are invested with this Right, and which  
‘ Signal shall not be made known to any other Ship not  
‘ employed upon this Service.

‘ Article IX.—The High Contracting Parties to the pre-  
‘ sent Treaty agree to invite the other Maritime Powers to  
‘ accede to it within as short a Period as possible.

‘ Article X.—The present Convention shall be ratified, and  
‘ the Ratifications of it shall be exchanged within One Month,  
‘ or sooner, if it be possible.

‘ In Faith of which the Plenipotentiaries have signed the  
 ‘ present Convention, and have affixed thereto the Seal of  
 ‘ their Arms.

‘ Done at *Paris* the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one.

‘ (Signed) . *Granville*. (L.S.)

‘ *Horace Sebastiani*. (L.S.)

‘ *Supplementary Convention between His Majesty and the King*  
 ‘ *of the French for the more effectual Suppression of the*  
 ‘ *Traffic in Slaves, signed at Paris March Twenty-second*  
 ‘ *One thousand eight hundred and thirty-three.*

‘ His Majesty the King of the United Kingdom of *Great*  
 ‘ *Britain and Ireland* and His Majesty the King of the *French*  
 ‘ having felt the Necessity of developing some of the Clauses  
 ‘ contained in the Convention which was signed between Their  
 ‘ Majesties on the Thirtieth of *November* One thousand eight  
 ‘ hundred and thirty-one, relating to the Suppression of the  
 ‘ Crime of Slave Trade, have named as their Plenipotentiaries  
 ‘ for this Purpose; (to wit),

‘ His Majesty the King of the United Kingdom of *Great*  
 ‘ *Britain and Ireland* the Right Honourable *Granville* Viscount  
 ‘ *Granville*, Peer of the United Kingdom, Knight Grand Cross  
 ‘ of the Most Honourable Order of the Bath, Member of the  
 ‘ Privy Council of His *Britannic* Majesty, and His Ambassador  
 ‘ Extraordinary and Plenipotentiary to the Court of *France*;  
 ‘ and His Majesty the King of the *French* Monsieur *Charles*  
 ‘ *Leonce Achille Victor Duc de Broglie*, Peer of *France*, Knight  
 ‘ of the Royal Order of the Legion of Honour, Minister and  
 ‘ Secretary of State for the Department of Foreign Affairs;  
 ‘ who, after having exchanged their Powers, which have been  
 ‘ found in good and due Form, have agreed on the following  
 ‘ Articles:

‘ Article I.—Whenever a Merchant Vessel navigating un-  
 ‘ der the Flag of one of the Two Nations shall have been  
 ‘ detained by the Cruizers of the other duly authorized to  
 ‘ that Effect, conformably to the Provisions of the Convention  
 ‘ of the Thirtieth *November* One thousand eight hundred and  
 ‘ thirty-one, such Merchant Vessel, as also her Master, her  
 ‘ Crew, her Cargo, and the Slaves who may be on board,  
 ‘ shall be carried to such Places as shall have been appointed  
 ‘ by the Contracting Parties respectively, in order that Pro-  
 ‘ ceedings may be there instituted respecting them agreeably  
 ‘ to the Laws of each Country, and they shall be delivered  
 ‘ over to the Authorities appointed for that Purpose by the  
 ‘ respective Governments.

‘ When the Commander of the Cruiser shall not think pro-  
 ‘ per to take upon himself the carrying in and delivering up  
 ‘ the detained Vessel he shall not intrust that Duty to an  
 ‘ Officer below the Rank of Lieutenant in the Navy.

‘ Article II.—The Cruizers of the Two Nations authorized  
 ‘ to exercise the Right of Visit and Detention in execution  
 ‘ of the Convention of the Thirtieth *November* One thousand  
 ‘ eight hundred and thirty-one, shall, in all that relates to  
 ‘ the

‘ the Formalities of the Visit and of the Detention, as well  
 ‘ as to the Measures to be taken for delivering up Vessels  
 ‘ suspected of being engaged in the Slave Trade to the  
 ‘ respective Jurisdictions, conform strictly to the Instruc-  
 ‘ tions annexed to the present Convention, and which shall  
 ‘ be considered as an integral Part thereof.

‘ The Two High Contracting Parties reserve to them-  
 ‘ selves the Power of making in these Instructions, by com-  
 ‘ mon Consent, any Modifications which Circumstances might  
 ‘ render necessary.

‘ Article III.—It is clearly understood that if the Com-  
 ‘ mander of a Cruizer of one of the Two Nations should  
 ‘ have Reason to suspect that a Merchant Vessel navigating  
 ‘ under Convoy of or in company with a Vessel of War of  
 ‘ the other Nation has engaged in the Slave Trade, or has  
 ‘ been fitted out for the said Trade, he is to make known  
 ‘ his Suspicions to the Commander of the Convoy or Vessel  
 ‘ of War, who shall proceed alone to visit the suspected  
 ‘ Vessel; and in case the latter Commander should find that  
 ‘ the Suspicion is well founded he shall cause the Vessel to  
 ‘ be taken, together with her Master, her Crew, and the  
 ‘ Cargo, and the Slaves who may be on board, into a Port of  
 ‘ his own Nation, in order that Proceedings may be insti-  
 ‘ tuted with regard to them, agreeably to the respective  
 ‘ Laws.

‘ Article IV.—As soon as any Merchant Vessel detained  
 ‘ and sent before the Tribunals aforesaid shall arrive at one  
 ‘ of the Ports respectively pointed out, the Commander of  
 ‘ the Cruizer which shall have detained her, or the Officer  
 ‘ appointed to bring her in, shall deliver to the Authorities  
 ‘ appointed for that Purpose One Copy, signed by him, of all  
 ‘ the Lists, Declarations, and other Documents specified in  
 ‘ the Instructions annexed to the present Convention, and  
 ‘ the said Authorities shall in consequence proceed to a  
 ‘ Survey of the detained Vessel and her Cargo, and to an  
 ‘ Inspection of her Crew, and of the Slaves who may be on  
 ‘ board, after having previously given Notice of the Time of  
 ‘ such Survey and Inspection to the Commander of the  
 ‘ Cruizer, or to the Officer who shall have brought in the  
 ‘ Vessel, in order that he, or some Person in his Behalf,  
 ‘ may be present thereat.

‘ A Declaration (Procès verbal) of these Proceedings  
 ‘ shall be drawn up in Duplicate, signed by the Persons who  
 ‘ shall have acted therein or been present at the same, and  
 ‘ one of the said Declarations shall be delivered to the  
 ‘ Commander of the Cruizer, or to the Officer who shall  
 ‘ have been appointed to bring in the detained Vessel.

‘ Article V.—The Vessels detained as before mentioned,  
 ‘ their Masters, Crews, and Cargoes, shall be forthwith pro-  
 ‘ ceeded against before the proper Tribunals in the respec-  
 ‘ tive Countries according to the established Forms; and if  
 ‘ in consequence of such Proceedings the said Vessels shall  
 ‘ be found to have been employed in the Slave Trade, or to  
 ‘ have been fitted out for the Purposes thereof, the Master,  
 ‘ the



‘ the Crew, and the Accomplices, as well as the Ship and  
 ‘ Cargo, shall be dealt with conformably to the respective  
 ‘ Laws of the Two Countries.

‘ In case the said Vessels shall be confiscated a Portion of  
 ‘ Proceeds arising from their Sale shall be paid into the  
 ‘ Hands of the Government to which the Captor belongs, to  
 ‘ be distributed among the Officers and Crew of the cap-  
 ‘ turing Ship. This Portion shall be Sixty-five *per Centum*  
 ‘ of the Net Produce of the Sale, as long as such a Distri-  
 ‘ bution of the Proceeds is consistent with the respective  
 ‘ Laws of the Two Countries.

‘ Article VI.— Any Merchant Vessel of either of the Two  
 ‘ Nations visited and detained in pursuance of the Conven-  
 ‘ tion of the Thirtieth of *November* One thousand eight hun-  
 ‘ dred and thirty-one, and of the Provisions herein-before  
 ‘ recited, shall, unless Proof be given to the contrary, be  
 ‘ held and taken of Right to have engaged in the Slave  
 ‘ Trade, or to have been fitted out for the Purposes of such  
 ‘ Traffic, if any of the Particulars herein-after specified shall  
 ‘ be found in her Outfit or Equipment, or on board of her ;  
 ‘ *videlicet*,

‘ 1°. Having her Hatches fitted with open Gratings,  
 ‘ instead of being close Hatches as usual in Merchant  
 ‘ Vessels.

‘ 2°. Having more Divisions or Bulk-heads in the Hold  
 ‘ or on Deck than necessary for Trading Vessels.

‘ 3°. Having on board spare Planks, either actually fitted  
 ‘ in that Shape, or fit for readily laying a Second or move-  
 ‘ able Deck or Slave Deck.

‘ 4°. Having on board Shackles, Bolts, or Handcuffs.

‘ 5°. Having on board a Supply of Water more than  
 ‘ sufficient for the Consumption of her Crew as a Mer-  
 ‘ chant Vessel.

‘ 6°. Having on board an unreasonable Number of  
 ‘ Water-casks or other Vessels for holding Water, unless  
 ‘ the Master shall produce a Certificate from the Custom  
 ‘ House from the Place at which he cleared outwards  
 ‘ stating that a sufficient Security had been given by the  
 ‘ Owners of such Vessel that such Casks or other Vessels  
 ‘ should only be used for the Reception of Palm Oil, or  
 ‘ be employed in any other lawful Trade.

‘ 7°. Having on board a greater Quantity of Mess-tubs  
 ‘ or Kinds than requisite for the Use of her Crew as a  
 ‘ Merchant Vessel.

‘ 8°. Having on board Two or more Copper Boilers, or  
 ‘ even One evidently larger than requisite for the Use of  
 ‘ her Crew as a Merchant Vessel.

‘ 9°. Having on board a Quantity of Rice or Farinha,  
 ‘ Flour of the Manioc of *Brazil* or Cassada, or Maize or  
 ‘ Indian Corn, beyond any probable requisite Provision  
 ‘ for the Use of her Crew, and such Rice, Flour, Maize  
 ‘ or Indian Corn not being entered on the Manifest as  
 ‘ Part of the Cargo for Trade.

‘ Article

‘ Article VII.—No Compensation shall in any Case be granted either to the Master or to the Owner or to any other Person interested in the Equipment or Lading of a Merchant Vessel in which any of the Particulars specified in the preceding Article shall be found, even if the Tribunals should not pronounce any Condemnation in consequence of her Detention.

‘ Article VIII.—When a Merchant Vessel of either of the Two Nations shall have been visited and detained illegally, or without sufficient Cause of Suspicion, or when the Visit and Detention shall have been attended with any Abuse or vexatious Acts, the Commander of the Cruizer, or the Officer who shall have boarded the said Vessel, or the Officer who shall have been appointed to bring her in, as the Case may be, shall be liable to Costs and Damages to the Master and to the Owners of the Vessel and Cargo.

‘ These Costs and Damages may be awarded by the Tribunal before which the Proceedings against the detained Vessel, her Master, Crew, and Cargo, shall have been instituted; and the Government of the Country to which the Officer who gave Occasion for such Award shall belong shall pay the Amount of the said Costs and Damages within the Period of One Year from the Date of the Award.

‘ Article IX.—If in the Visit or Detention of a Merchant Vessel, made in virtue of the Provisions of the Convention of the Thirtieth *November* One thousand eight hundred and thirty-one, or of the present Convention, any Abuse or Vexation shall have been committed, but the Vessel shall not have been delivered over to the Jurisdiction of her own Nation, the Master of the Vessel shall make a Declaration on Oath of the Abuses or Vexations of which he has to complain, and of the Costs and Damages to which he lays claim, before the competent Authorities in the first Port of his own Country at which he may arrive, or before the Consular Agent of his Nation if the Vessel proceeds to a Foreign Port where there is such an Agent. This Declaration shall be confirmed by an Examination under Oath of the principal Persons of the Crew or Passengers who have witnessed the Visit or Detention; and One formal Declaration (*Procès verbal*) of the whole shall be drawn up, and Two Copies thereof delivered to the Master, who shall forward One of them to his own Government in support of his Claim for Costs and Damages. It is understood, that if any compulsory Circumstances should prevent the Master from making his Declaration it may be made by the Owner, or by any other Person interested in the Vessel or in her Cargo.

‘ On the official Transmission of One Copy of the former Declaration (*Procès verbal*) above mentioned through the Channel of the respective Embassies the Government of the Country to which the Officer charged with Abuses or Vexations shall belong shall forthwith institute an Inquiry into

‘ into the Matter, and if the Validity of the Complaint be  
 ‘ admitted the said Government shall cause to be paid to  
 ‘ the Master or Owner, or to any other Person interested in  
 ‘ the Vessel which has been molested, or in her Cargo, the  
 ‘ Amount of Costs and Damages which may be due to them.

‘ Article X.—The Two Governments engage reciprocally  
 ‘ to communicate each to the other, free of Expence, and  
 ‘ upon Application being made, Copies of all the Proceed-  
 ‘ ings instituted and Judgments given relative to Vessels  
 ‘ visited or detained in execution of the Provisions of the  
 ‘ Convention of the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one and of the present Con-  
 ‘ vention.

‘ Article XI.—The Two Governments agree to ensure the  
 ‘ immediate Freedom of all Slaves who shall be found on  
 ‘ board Vessels visited and detained in virtue of the Stipula-  
 ‘ tions of the principal Convention herein-before referred to,  
 ‘ or of the present Convention, whenever the Offence of  
 ‘ trafficking in Slaves shall have been established by the  
 ‘ Sentence of the respective Tribunals. They reserve to  
 ‘ themselves, however, for the Welfare of the Slaves them-  
 ‘ selves, the Right to employ them as Servants or free La-  
 ‘ bourers, conformably to their respective Laws.

‘ Article XII.—It is hereby agreed between the Two High  
 ‘ Contracting Parties, that in all Cases in which a Vessel,  
 ‘ under the Convention of the Thirtieth of *November* One  
 ‘ thousand eight hundred and thirty-one, or under this Sup-  
 ‘ plementary Convention, shall be detained by their respec-  
 ‘ tive Cruizers as having been engaged in the Slave Trade,  
 ‘ or fitted out for the Purposes thereof, and shall be placed  
 ‘ at the Disposal of either Government for the Purpose of  
 ‘ being sold, in consequence of a Sentence of Confiscation  
 ‘ pronounced by a competent Tribunal, the said Vessel shall  
 ‘ be broken up, in whole or in part, before the Sale, when-  
 ‘ ever its peculiar Construction or Outfit shall give Reason  
 ‘ to fear that it may be again employed in the Slave Trade  
 ‘ or any other illicit Traffic.

‘ Article XIII.—The present Convention shall be ratified,  
 ‘ and the Ratifications shall be exchanged at *Paris*, within  
 ‘ the Space of One Month, or sooner, if possible.

‘ In witness whereof the above-named Plenipotentiaries  
 ‘ have signed in Duplicate the present Convention, and have  
 ‘ affixed thereunto the Seals of their Arms.

‘ Done at *Paris* the Twenty-second of *March* One  
 ‘ thousand eight hundred and thirty three.

‘ (Signed) *Granville.* (L. s.)

‘ *V. Broglie.* (L. s.)

‘ *Instructions to Cruizers.*

‘ 1°. Whenever a Merchant Vessel of either of the Two  
 ‘ Nations shall be visited by a Cruizer of the other, the  
 ‘ Officer commanding the Cruizer shall exhibit to the Master  
 ‘ of such Vessel the special Orders which confer upon him  
 ‘ the exceptional Right of Visit, and shall deliver to him a

‘ Certificate, signed by him, specifying his Rank in the Navy  
‘ of his Country, with the Name of the Ship which he com-  
‘ mands, and declaring that the only Object of such Visit is  
‘ to ascertain whether the Vessel is engaged in the Slave  
‘ Trade, or is fitted out for the Purposes of such Traffic.  
‘ When the Visit is made by another Officer of the Cruiser  
‘ than her Commander this Officer shall not be under the  
‘ Rank of Lieutenant in the Navy, and in this Case such  
‘ Officer shall exhibit to the Master of the Merchant Vessel  
‘ a Copy of the special Orders above mentioned, signed by  
‘ the Commander of the Cruiser, and shall likewise deliver  
‘ to him a Certificate, signed by him, specifying the Rank  
‘ which he holds in the Navy, the Name of the Commander  
‘ under whose Orders he is acting, and of the Cruiser to  
‘ which he belongs, and the Object of his Visit, as herein-  
‘ before recited. If it shall be ascertained by the Visit that  
‘ the Ship’s Papers are regular, and her Proceedings lawful,  
‘ the Officer shall certify upon the Log Book of the Vessel  
‘ that the Visit took place only in virtue of the special  
‘ Orders above mentioned, and the Vessel shall be permitted  
‘ to continue her Course.

‘ 2°. If in consequence of the Visit the Officer commanding  
‘ the Cruiser shall be of opinion that there are sufficient  
‘ Grounds for believing that the Vessel is engaged in the  
‘ Slave Trade, or has been fitted out for that Traffic, and  
‘ if he shall in consequence determine to detain her, and to  
‘ have her delivered up to the respective Jurisdiction, he  
‘ shall forthwith cause a List to be made out in Duplicate  
‘ of all the Papers found on board, and he shall sign this  
‘ List and the Duplicate, adding to his Name his Rank in  
‘ the Navy, and the Name of the Vessel under his Com-  
‘ mand. He shall in like Manner make out and sign in  
‘ Duplicate a Declaration stating the Place and Time of the  
‘ Detention, the Name of the Vessel, that of her Master,  
‘ and those of the Persons composing her Crew, and also the  
‘ Number and Condition of the Slaves found on board. This  
‘ Declaration shall further contain an exact Description of  
‘ the State of the Vessel and her Cargo.

‘ 3°. The Commander of the Cruiser shall without Delay  
‘ carry or send the detained Vessel, with her Master, Crew,  
‘ Cargo, and the Slaves found on board, to one of the Ports  
‘ herein-after specified, in order that Proceedings may be  
‘ instituted in regard to them conformably to the respective  
‘ Laws of each Country, and he shall deliver the same to the  
‘ competent Authorities, or to the Persons who shall have  
‘ been specially appointed for that Purpose by the respective  
‘ Governments.

‘ 4°. No Person whatever shall be taken out of the detained  
‘ Vessel, nor shall any Part of her Cargo, nor of the Slaves  
‘ found on board, be removed from her, until after such  
‘ Vessel shall have been delivered over to the Authorities  
‘ of her own Nation, excepting only when the Removal of  
‘ the Whole or of Part of the Crew, or of the Slaves found  
‘ on board, shall be deemed necessary, either for the Pre-  
‘ servation

‘ servation of their Lives, or from any other Consideration  
 ‘ of Humanity, or for the Safety of the Persons who shall be  
 ‘ charged with the Navigation of the Vessel after her De-  
 ‘ tention. In this Case the Commander of the Cruizer or  
 ‘ the Officer appointed to bring in the detained Vessel shall  
 ‘ make a Declaration of such Removal, in which he shall  
 ‘ specify the Reasons for the same; and the Masters, Sailors,  
 ‘ Passengers, or Slaves so removed shall be carried to the  
 ‘ same Port as the Vessel and her Cargo, and they shall be  
 ‘ received in the same Manner as the Vessel, agreeably to  
 ‘ the Regulations herein-after set forth.

‘ 5°. All such *French* Vessels as shall be detained by the  
 ‘ Cruizers of His *Britannic* Majesty on the *African* Station  
 ‘ shall be carried and delivered up to the *French* Jurisdiction  
 ‘ at *Gores*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *West India* Station shall be  
 ‘ carried and delivered up to the *French* Jurisdiction at  
 ‘ *Martinique*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *Madagascar* Station shall be  
 ‘ carried and delivered up to the *French* Jurisdiction at the  
 ‘ Isle of *Bourbon*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *Brazilian* Station shall be carried  
 ‘ and delivered up to the *French* Jurisdiction at *Cayenne*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ Cruizers of His Majesty the King of the *French* on the  
 ‘ *African* Station shall be carried and delivered up to the Ju-  
 ‘ risdiction of His *Britannic* Majesty at *Bathurst* on the  
 ‘ River *Gambia*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ *French* Squadron on the *West India* Station shall be carried  
 ‘ and delivered up to the *British* Jurisdiction at *Port Royal*  
 ‘ in *Jamaica*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ *French* Squadron on the *Madagascar* Station shall be  
 ‘ carried and delivered up to the *British* Jurisdiction at the  
 ‘ *Cape of Good Hope*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ *French* Squadron on the *Brazilian* Station shall be carried  
 ‘ and delivered up to the *British* Jurisdiction at the Colony  
 ‘ of *Demerara*.

‘ 6°. As soon as a Merchant Vessel which shall have been  
 ‘ detained as aforesaid shall arrive at one of the Ports or  
 ‘ Places above mentioned, the Commander of the Cruizer,  
 ‘ or the Officer appointed to bring in the detained Vessel,  
 ‘ shall forthwith deliver to the Authorities duly appointed  
 ‘ for that Purpose by the respective Governments the Vessel  
 ‘ and her Cargo, together with the Master, Crew, Passen-  
 ‘ gers, and Slaves found on board, as also the Papers which  
 ‘ shall have been seized on board the Vessel, and one of the  
 ‘ Lists made out in Duplicate of the said Papers, the other  
 ‘ remaining in his Possession. Such Officer shall at the same

‘ Time deliver to the said Authorities One of the Declara-  
 ‘ tions made out in Duplicate, as herein-before specified,  
 ‘ adding thereto a Statement of any Changes which may  
 ‘ have taken place from the Time of Detention to that of the  
 ‘ Delivery, as well as a Copy of the Declaration of any Re-  
 ‘ movals which may have taken place, as above provided for.  
 ‘ In delivering over these several Documents the Officer will  
 ‘ make Attestation of their Truth on Oath and in Writing.

‘ 7°. If the Commander of a Cruizer of either of the High  
 ‘ Contracting Parties who shall be duly furnished with the  
 ‘ aforesaid special Instructions shall have Reason to suspect  
 ‘ that a Merchant Vessel sailing under Convoy or in company  
 ‘ with a Ship of War of the other Party is engaged in the  
 ‘ Slave Trade, or has been fitted out for the Purpose of  
 ‘ that Traffic, he shall confine himself to the communicating  
 ‘ his Suspicions to the Commander of the Convoy or of the  
 ‘ Ship of War, and he shall leave it to the latter to proceed  
 ‘ alone to a Visit of the suspected Vessel, and to deliver her  
 ‘ up, if the Case require it, to the Jurisdiction of her own  
 ‘ Country.

‘ 8°. The Cruizers of the Two Nations shall conform  
 ‘ strictly to the Tenor of these Instructions, which are to be  
 ‘ considered as a Development of the Clauses of the prin-  
 ‘ cipal Convention of the Thirtieth Day of *November* One  
 ‘ thousand eight hundred and thirty-one, as well as of the  
 ‘ Convention to which they are annexed.

‘ The undersigned Plenipotentiaries have agreed, in con-  
 ‘ formity with the Second Article of the Convention signed  
 ‘ by them on this Day, the Twenty-second Day of *March*  
 ‘ One thousand eight hundred and thirty-three, that the  
 ‘ preceding Instructions shall be annexed to the said Con-  
 ‘ vention and considered as an integral Part thereof.

‘ *Paris*, the Twenty-second Day of *March* One thou-  
 ‘ sand eight hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)  
 ‘ *V. Broglie.* (L.S.)

‘ ARTICLE II.—It is agreed, with reference to Article Three  
 ‘ of the Convention of the Thirtieth Day of *November* One  
 ‘ thousand eight hundred and thirty-one, herein above tran-  
 ‘ scribed, that His Majesty the King of *Sardinia* shall fix ac-  
 ‘ cording to his Convenience the Number of *Sardinian* Cruizers  
 ‘ which shall be employed on the Service mentioned in the said  
 ‘ Article, and the Stations on which they shall cruise.

‘ ARTICLE III.—The Government of His Majesty the King  
 ‘ of *Sardinia* shall make known to the Governments of *Great*  
 ‘ *Britain* and of *France*, conformably to Article Four of the  
 ‘ Convention of the Thirtieth Day of *November* One thousand  
 ‘ eight hundred and thirty-one, the *Sardinian* Ships of War  
 ‘ which are to be employed in the Suppression of the Trade,  
 ‘ in order that the necessary Warrants for their Commanders  
 ‘ may be delivered; the Warrants which are to be delivered  
 ‘ by *Sardinia* shall be issued after Notification of the Number  
 ‘ of *British* and *French* Cruizers intended to be employed shall  
 ‘ have been made to the *Sardinian* Government.

‘ ARTICLE

‘ ARTICLE IV.—It is agreed, with reference to the Fifth  
 ‘ Article of the Instructions annexed to the Supplementary  
 ‘ Convention of *March* the Twenty-second One thousand eight  
 ‘ hundred and thirty-three, that all *Sardinian* Vessels or Ves-  
 ‘ sels bearing the *Sardinian* Flag which may be detained, in  
 ‘ execution of the Conventions herein above transcribed, by the  
 ‘ Cruizers of His Majesty the King of the United Kingdom of  
 ‘ *Great Britain* and *Ireland* or of His Majesty the King of the  
 ‘ *French*, employed on the Stations of *America*, of *Africa*, and  
 ‘ of *Madagascar*, shall be carried in and delivered at the Port  
 ‘ of *Genoa*.

‘ ARTICLE V.—The present Treaty shall be ratified, and the  
 ‘ Ratifications shall be exchanged at *Turin* in the Space of  
 ‘ Three Months or sooner if possible.

‘ Done at *Turin* the Eighth of *August* One thousand  
 ‘ eight hundred and thirty-four.

‘ (Signed) *Aug. J. Foster.* (L. S.)  
 ‘ *Barante.* (L. S.)  
 ‘ *De la Tour.* (L. S.)

‘ *Additional Article.*

‘ Whereas by the Fourth Article of the Treaty signed at  
 ‘ *Turin* on the Eighth Day of *August* One thousand eight  
 ‘ hundred and thirty-four, whereby the King of *Sardinia* ac-  
 ‘ cedes to the Two Conventions concluded between their  
 ‘ Majesties the King of the United Kingdom of *Great Britain*  
 ‘ and *Ireland* and the King of the *French* on the Thirtieth  
 ‘ Day of *November* One thousand eight hundred and thirty-one  
 ‘ and on the Twenty-second Day of *March* One thousand eight  
 ‘ hundred and thirty-three, it is stipulated, that all Vessels  
 ‘ under the Flag of *Sardinia*, which in pursuance of the before-  
 ‘ mentioned Treaty and Convention may be detained by the  
 ‘ Cruizers either of His Majesty the King of the United King-  
 ‘ dom of *Great Britain* and *Ireland* or of His Majesty the King  
 ‘ of the *French* stationed on the Coasts of *America*, *Africa*, or  
 ‘ *Madagascar*, shall be carried or sent to *Genoa*: And whereas  
 ‘ the landing of Negroes from such Ships at *Genoa* may be  
 ‘ productive of great Inconvenience, the undersigned Pleni-  
 ‘ potentiaries of the Three Powers, Parties to the aforesaid  
 ‘ Treaty of Accession, being hereunto authorized and instructed  
 ‘ by their respective Sovereigns, have agreed to the following  
 ‘ additional Article to the before-mentioned Treaty:

‘ ARTICLE.—Negroes who shall be found on board Vessels  
 ‘ under the Flag of *Sardinia* which may be so detained, and  
 ‘ which, according to the Stipulations of the said Treaty, are  
 ‘ to be sent to *Genoa*, shall be landed at some Port nearer than  
 ‘ *Genoa* to the Place where such Slave Vessels may be found ;  
 ‘ (that is to say),

‘ 1°. That if such *Sardinian* Vessel shall be detained by  
 ‘ an *English* Cruizer, the Negroes found on board such Ves-  
 ‘ sel shall be landed at that Port or Place to which an  
 ‘ *English* Slave Vessel found and detained under similar  
 ‘ Circumstances, and at the same Place, by a *French* Cruizer,

‘ would under the aforesaid Conventions with *France* be sent or taken.

‘ 2°. If such *Sardinian* Vessel shall be detained by a *French* Cruizer, the Negroes found on board such Vessel shall be landed at that Port or Place to which a *French* Slave Vessel, found and detained under similar Circumstances, and at the same Place, by an *English* Cruizer, would under the aforesaid Conventions with *France* be sent or taken.

‘ 3°. If such *Sardinian* Vessel shall be detained by a *Sardinian* Cruizer, the Negroes found on board shall be landed at the nearest of those Ports or Places, *English* or *French*, to which under the aforesaid Conventions with *France* the Vessel having such Slaves on board would have been taken or sent if such Vessel had been either *English* or *French*, instead of being *Sardinian*, and if she had been detained by an *English* or by a *French* Cruizer.

‘ The present Additional Article shall have the same Force and Effect as if it had been inserted Word for Word in the before-mentioned Treaty of Accession signed at *Turin* on the Eighth Day of *August* last.

‘ It shall be ratified by each of the High Contracting Parties, and the Ratifications shall be exchanged at *Turin* within the Space of Six Months.

‘ Done at *Turin* this Eighth Day of *December* One thousand eight hundred and thirty-four.

‘ (Signed) *Henry Edward Fox.* (L. S.)

‘ *Barante.* (L. S.)

‘ *De la Tour.* (L. S.)

‘ And whereas the said Treaty and the said Additional Article were ratified by and between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia* respectively, and such Ratifications were exchanged, *videlicet*, of the Treaty, on the Eighth Day of *December* in the Year of our Lord One thousand eight hundred and thirty-four, and of the said Additional Article, on the Thirty-first Day of *January* One thousand eight hundred and thirty-five: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty and of the said Additional Article: be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of His Majesty or of the King of *Sardinia* who shall have such Rank as by the Second Article of the said Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one is agreed, and who shall be duly instructed and authorized and furnished according to the several Provisions of the said Two Conventions, and within the Waters described and according to the Provisions and Exceptions contained in the First Article of the said Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, to exercise the Right

Any Officer commanding a Ship of War of His Majesty, or of the King of *Sardinia*, may search Merchant Vessels of either Nation suspected of being engaged in Slave Trade.



of visiting and searching any Merchant Vessel of either of the said Two Nations of *Great Britain* and *Sardinia* liable to Suspicion and suspected of having engaged in or of having been employed in the Slave Trade, or of having been fitted out for the Purposes of such Traffic, according to the several Provisions and Instructions of the said Two Conventions, except as in the said Third Article of the said Supplementary Convention is excepted; and it shall further be lawful for such Officer under such Circumstances, and upon sufficient Grounds, to exercise the Right of detaining and of sending or of carrying in and delivering over such Vessel, together with its Master, Sailors, Passengers, Slaves, and Cargo, to the Authorities appointed by the respective Governments of *Great Britain*, *France*, and *Sardinia*, for the Purposes of the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, and the Additional Article thereto by the respective Governments of *Great Britain*, *France*, and *Sardinia*, and to One of the Jurisdictions in the said Instructions mentioned, as the same are altered and modified by the said Treaty, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries of *Great Britain* and *Sardinia*; and all such Commanders of His Majesty's Ships are hereby authorized and required, in the Exercise of such Right of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several Provisions and Instructions of the said Two Conventions as apply thereto respectively, and as the same are altered and modified by the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, and the Additional Article thereto.

II. And be it further enacted, That where any such Officer of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia* shall send, carry, or deliver over as aforesaid any such Merchant Vessel, wholly or in part owned by any Subject or Subjects of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia* respectively, all and every Proceedings instituted in the Tribunals hereinafter mentioned, in regard to such Merchant Vessel, and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of His said Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be so detained by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia*, and delivered up to the Jurisdiction of His Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court of *Sierra Leone*; and all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia*, and delivered up to the Jurisdiction of His Majesty, either at *Jamaica*, the *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the

Any Proceedings instituted against Crew, &c. of captured Merchant Vessel to be conducted in the Name of the King of *Great Britain* and *Ireland*.

said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

If any of the Particulars specified in Sixth Article are found on board a captured Vessel, she shall be deemed to be engaged in the Slave Trade.

III. And be it further enacted and declared, That if any of the Particulars specified in the Sixth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three shall be found in the Outfit or Equipment of or on board of any such Merchant Vessel, wholly or in part owned as last aforesaid, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intitled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*.

5 G. 4. c. 113.

A. Portion of the Proceeds arising from Sale of Slave Vessel captured by a Sardinian Officer to be paid to the King of Sardinia.

IV. And be it further enacted, That in case any such Merchant Vessel, wholly or in part owned as aforesaid, shall be brought in by any Officer of His Majesty the King of *Sardinia* duly authorized, and shall be confiscated according to the Laws of this Country, and the Provisions of the said Two Conventions (as the same are altered and modified by the said Treaty), and of the said Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, it shall be lawful for His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* to direct that a Portion of the Proceeds arising from the Sale thereof shall be paid into the Hands of the Government of His Majesty the King of *Sardinia* according to the Provisions of the Fifth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three; and any Portion of the Proceeds arising from the Sale of any Ship agreed to be paid into the Hands of the Government of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Fifth Article, or Cargo, shall be paid to such Person or Persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the Use of the Captors, according to the Provisions of the said Fifth Article; and the same, after deducting all necessary Expences, shall be distributed to and amongst the Officers and Crew of the capturing Ship, in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

Bounty of *5l.* to be paid to Commanders and Crews for every Slave found on board a condemned Vessel of either Nation.

V. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Slave, whether Man, Woman, or Child, seized and found on board a *British* or *Sardinian* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury,

Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportion as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order in Council or by any Proclamation to be made for that Purpose.

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

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

VIII. Provided also, and be it further enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or any Share of the Proceeds of any *Sardinian* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise on any Seizure made in pursuance of this Act, and to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

IX. And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich Hospital*, shall be and are extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels of War.

X. And be it further enacted, That where any illegal Visit and Detention, or any Visit or Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place, and shall have been made by any Officer of His Majesty the King of *Great Britain* and *Ireland*, as is mentioned in the Eighth and Ninth Articles of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three, it shall

Bounty to be paid on Production of Certificate of Officers, &c.

Where Slaves are seized but not condemned, Lords of the Treasury empowered to grant a Moiety of the Bounty.

Persons claiming Benefit of Bounty may resort to High Court of Admiralty for Judgment thereon.

Regulations pertaining to the Distribution of Prize Money.

Where Damages are sustained by the illegal Detention of a Vessel, the Treasury may make Compensation.

be

be lawful for the Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon so to do by Order of the said Commissioners of His Majesty's Treasury.

Where Judgment is given against the Seizor, the Treasury to defray Expences by him incurred.

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

Defendant may plead the General Issue, and give this Act in Evidence.

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

### C A P. LXI.

An Act for carrying into effect the Treaty with the King of the *French* and the King of *Denmark* for suppressing the Slave Trade. [9th September 1835.]

‘ WHEREAS a Treaty was on the Twenty-sixth Day of July  
 ‘ in the Year of our Lord One thousand eight hundred  
 ‘ and thirty-four concluded between His Majesty the King of  
 ‘ the United Kingdom of *Great Britain* and *Ireland*, His Majesty  
 ‘ the King of the *French*, and His Majesty the King of *Den-*  
 ‘ *mark*, and signed at *Copenhagen*, whereby it was agreed as  
 ‘ follows :

‘ ARTICLE I.—His Majesty the King of *Denmark* accedes  
 ‘ to the Conventions concluded and signed on the Thirtieth of  
 ‘ *November* One thousand eight hundred and thirty-one and the  
 ‘ Twenty-

‘ Twenty-second of *March* One thousand eight hundred and thirty three, between His Majesty the King of the United Kingdom of *Great Britain and Ireland* and His Majesty the King of the *French*, relating to the Suppression of the Slave Trade, as well as to their Annex, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles herein-after given, which Articles shall be considered additional to the said Conventions and to their Annex, excepting the Differences which necessarily result from the Situation of His *Danish* Majesty as a Party acceding to these Treaties after their Conclusion :

‘ His Majesty the King of the United Kingdom of *Great Britain and Ireland* and His Majesty the King of the *French* accept the; said Accession ; all the Articles of these Two Conventions, and all the Conditions of their Annex, shall in consequence be held to have been agreed upon, concluded, and signed directly between His Majesty the King of the United Kingdom of *Great Britain and Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Denmark* :

‘ Their said Majesties engage and promise reciprocally to each other to fulfil faithfully all the Clauses, Conditions, and Obligations thereof, excepting the Reservations and Modifications herein stipulated for ; and in order to prevent any Uncertainty it has been agreed that the said Conventions, and the Annex containing the Instruction to Cruizers, shall be inserted here Word for Word, as follows :

‘ *Convention between His Majesty and the King of the French for the more effectual Suppression of the Traffic in Slaves, signed at Paris the Thirtieth Day of November One thousand eight hundred and thirty-one.*

‘ The Courts of *Great Britain and France*, being desirous of rendering more effectual the Means of Suppression which have hitherto been in force against the criminal Traffic known under the Name of the Slave Trade, they have deemed it expedient to negotiate and conclude a Convention for the Attainment of so salutary an Object, and they have to this End named as their Plenipotentiaries ; (that is to say,) His Majesty the King of the United Kingdom of *Great Britain and Ireland* the Right Honourable Viscount *Granville*, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary at the Court of *France* ; and His Majesty the King of the *French* the Lieutenant-General Count *Horace Sebastiani*, Grand Cross of the Order of the Legion of Honour, Member of the Chamber of Deputies of the Departments, and Minister and Secretary of State for the Department of Foreign Affairs ; who, after having exchanged their full Powers, found to be in due Form, have signed the following Articles :

‘ Article I.—The mutual Right of Search may be exercised on board the Vessels of each of the Two Nations, but only within the Waters herein-after described ; namely,  
 ‘ 1°. Along the Western Coast of *Africa*, from *Cape Verd* to the Distance of Ten Degrees to the South of the  
 ‘ Equator ;

‘ Equator; that is to say, from the Tenth Degree of South  
 ‘ Latitude to the Fifteenth Degree of North Latitude, and  
 ‘ as far as the Thirtieth Degree of West Longitude, reckon-  
 ‘ ing from the Meridian of *Paris*.

‘ 2°. All round the Island of *Madagascar* to the Extent  
 of Twenty Leagues from that Island.

‘ 3°. To the same Distance from the Coasts of the Island  
 ‘ of *Cuba*.

‘ 4°. To the same Distance from the Coasts of the Island  
 ‘ of *Porto Rico*.

‘ 5°. To the same Distance from the Coasts of *Brazil*.

‘ It is however understood, that a suspected Vessel  
 ‘ descried and begun to be chased by the Cruizers whilst  
 ‘ within the said Space of Twenty Leagues may be searched  
 ‘ by them beyond those Limits, if, without having ever lost  
 ‘ Sight of her, they should only succeed in coming up with  
 ‘ her at a greater Distance from the Coast.

‘ Article II.—The Right of searching Merchant Vessels of  
 ‘ either of the Two Nations in the Waters herein-before  
 ‘ mentioned shall be exercised only by Ships of War whose  
 ‘ Commanders shall have the Rank of Captain or at least  
 ‘ that of Lieutenant in the Navy.

‘ Article III.—The Number of Ships to be invested with  
 ‘ this Right shall be fixed each Year by a special Agree-  
 ‘ ment; the Number of each Nation need not be the same,  
 ‘ but in no Case shall the Number of the Cruizers of the  
 ‘ one Nation be more than Double the Number of the  
 ‘ Cruizers of the other.

‘ Article IV.—The Names of the Ships and of their Com-  
 ‘ manders shall be communicated by each of the contracting  
 ‘ Governments to the other, and Information shall be reci-  
 ‘ procally given of all Changes which may take place in the  
 ‘ Cruizers.

‘ Article V.—Instructions shall be drawn up and agreed  
 ‘ upon in common by the Two Governments for the Cruizers  
 ‘ of both Nations, which Cruizers shall afford to each other  
 ‘ mutual Assistance in all Circumstances in which it may  
 ‘ be useful that they should act in concert. The Ships of  
 ‘ War authorized to exercise the reciprocal Right of Search  
 ‘ shall be furnished with a special Authority from each of the  
 ‘ Two Governments.

‘ Article VI.—Whenever a Cruiser shall have chased and  
 ‘ overtaken a Merchant Vessel as liable to Suspicion, the  
 ‘ Commanding Officer, before he proceeds to the Search,  
 ‘ shall exhibit to the Captain of the Merchant Vessel the  
 ‘ special Orders which confer upon him by Exception the  
 ‘ Right to visit her; and in case he shall ascertain the Ship’s  
 ‘ Papers to be regular, and her Proceedings lawful, he shall  
 ‘ certify upon the Log-book of the Vessel that the Search  
 ‘ took place only in virtue of the said Orders; these For-  
 ‘ malities having been completed, the Vessel shall be at  
 ‘ liberty to continue her Course.

‘ Article VII.—The Vessels captured for being engaged  
 ‘ in the Slave Trade, or as being suspected of being fitted

‘ out

‘ out for that infamous Traffic, shall, together with their  
 ‘ Crews, be delivered over, without Delay, to the Jurisdiction  
 ‘ of the Nation to which they shall belong ; it is furthermore  
 ‘ distinctly understood, that they shall only be judged ac-  
 ‘ cording to the Laws in force in their respective Countries.

‘ Article VIII.—In no case shall the Right of mutual  
 ‘ Search be exercised upon the Ships of War of either  
 ‘ Nation.

‘ The Two Governments shall agree upon a particular  
 ‘ Signal, with which those Cruizers only shall be furnished  
 ‘ which are invested with this Right, and which Signal shall  
 ‘ not be made known to any other Ship not employed upon  
 ‘ this Service.

‘ Article IX.—The High Contracting Parties to the pre-  
 ‘ sent Treaty agree to invite the other Maritime Powers to  
 ‘ accede to it within as short a Period as possible.

‘ Article X.—The present Convention shall be ratified,  
 ‘ and the Ratifications of it shall be exchanged within One  
 ‘ Month, or sooner, if it be possible.

‘ In Faith of which the Plenipotentiaries have signed the  
 ‘ present Convention, and have affixed thereto the Seal of  
 ‘ their Arms.

‘ Done at *Paris* the Thirtieth *November* One thousand  
 ‘ eight hundred and thirty-one.

‘ (Signed) *Granville.* (L.S.)

‘ (Signed) *Horace Sebastiani.* (L.S.)

‘ *Supplementary Convention between His Majesty and the King*  
 ‘ *of the French for the more effectual Suppression of the*  
 ‘ *Traffic in Slaves, signed at Paris the Twenty-second*  
 ‘ *Day of March One thousand eight hundred and thirty-*  
 ‘ *three.*

‘ His Majesty the King of the United Kingdom of *Great*  
 ‘ *Britain and Ireland* and His Majesty the King of the *French*  
 ‘ having felt the Necessity of developing some of the Clauses  
 ‘ contained in the Convention which was signed between Their  
 ‘ Majesties on the Thirtieth Day of *November* One thousand  
 ‘ eight hundred and thirty-one, relating to the Suppression of  
 ‘ the Crime of Slave Trade. have named as their Plenipoten-  
 ‘ tiaries for this Purpose ; to wit,

‘ His Majesty the King of the United Kingdom of *Great*  
 ‘ *Britain and Ireland* the Right Honourable *Granville* Viscount  
 ‘ *Granville*, Peer of the United Kingdom, Knight Grand Cross  
 ‘ of the Most Honourable Order of the Bath, Member of the  
 ‘ Privy Council of His *Britannic* Majesty, and His Amba-  
 ‘ sador Extraordinary and Plenipotentiary to the Court of  
 ‘ *France* ; and His Majesty the King of the *French* Monsieur  
 ‘ *Charles Leonce Achille Victor, Duc de Broglie*, Peer of *France*,  
 ‘ Knight of the Royal Order of the Legion of Honour, Minister  
 ‘ and Secretary of State for the Department of Foreign Affairs ;  
 ‘ who after having exchanged their Powers, which have been  
 ‘ found in good and due Form, have agreed on the following  
 ‘ Articles :

‘ Article

‘ Article I.—Whenever a Merchant Vessel navigating under  
 ‘ the Flag of One of the Two Nations shall have been detained  
 ‘ by the Cruizers of the other duly authorized to that Effect,  
 ‘ conformably to the Provisions of the Convention of the  
 ‘ Thirtieth of *November* One thousand eight hundred and  
 ‘ thirty-one, such Merchant Vessel, as also her Master, her  
 ‘ Crew, her Cargo, and the Slaves who may be on board shall  
 ‘ be carried to such Places as shall have been appointed by  
 ‘ the Contracting Parties respectively, in order that Pro-  
 ‘ ceedings may be there instituted respecting them agreeably  
 ‘ to the Law of each Country, and they shall be delivered  
 ‘ over to the Authorities appointed for that Purpose by the  
 ‘ respective Governments.

‘ When the Commander of the Cruizer shall not think  
 ‘ proper to take upon himself the carrying in and delivering  
 ‘ up the detained Vessel he shall not intrust that Duty to an  
 ‘ Officer below the Rank of Lieutenant in the Navy.

‘ Article II.—The Cruizers of the Two Nations authorized  
 ‘ to exercise the Right of Visit and Detention in execution  
 ‘ of the Convention of the Thirtieth of *November* One thou-  
 ‘ sand eight hundred and thirty-one, shall, in all that relates  
 ‘ to the Formalities of the Visit and of the Detention, as  
 ‘ well as to the Measures to be taken for delivering up  
 ‘ Vessels suspected of being engaged in the Slave Trade to  
 ‘ the respective Jurisdictions, conform strictly to the In-  
 ‘ structions annexed to the present Convention, and which  
 ‘ shall be considered as an integral Part thereof.

‘ The Two High Contracting Parties reserve to them-  
 ‘ selves the Power of making in these Instructions, by  
 ‘ common Consent, any Modifications which Circumstances  
 ‘ might render necessary.

‘ Article III.—It is clearly understood that if the Com-  
 ‘ mander of a Cruizer of one of the Two Nations shall have  
 ‘ Reason to suspect that a Merchant Vessel navigating under  
 ‘ Convoy of or in company with a Vessel of War of the other  
 ‘ Nation has engaged in the Slave Trade, or has been fitted  
 ‘ out for the said Trade, he is to make known his Suspicions  
 ‘ to the Commander of the Convoy or Vessel of War, who  
 ‘ shall proceed alone to visit the suspected Vessel; and in  
 ‘ case the latter Commander should find that the Suspicion  
 ‘ is well founded, he shall cause the Vessel to be taken,  
 ‘ together with her Master, her Crew, and her Cargo, and  
 ‘ the Slaves who may be on board, into a Port of his own  
 ‘ Nation, in order that Proceedings may be instituted with  
 ‘ regard to them agreeably to the respective Laws.

‘ Article IV.—As soon as any Merchant Vessel detained  
 ‘ and sent before the Tribunals aforesaid shall arrive at one  
 ‘ of the Ports respectively pointed out, the Commander of  
 ‘ the Cruizer which shall have detained her, or the Officer  
 ‘ appointed to bring her in, shall deliver to the Authorities  
 ‘ appointed for that Purpose One Copy, signed by him, of all  
 ‘ the Lists, Declarations, and other Documents specified in  
 ‘ the Instructions annexed to the present Convention; and  
 ‘ the



‘ the said Authorities shall in consequence proceed to a  
 ‘ Survey of the detained Vessel and her Cargo, and to an  
 ‘ Inspection of her Crew, and of the Slaves who may be on  
 ‘ board, after having previously given Notice of the Time  
 ‘ of such Survey and Inspection to the Commander of the  
 ‘ Cruizer, or to the Officer who shall have brought in the  
 ‘ Vessel, in order that he, or some Person in his Behalf, may  
 ‘ be present thereat.

‘ A Declaration (*Procès verbal*) of these Proceedings shall  
 ‘ be drawn up in Duplicate, signed by the Persons who shall  
 ‘ have acted therein, or been present at the same; and one  
 ‘ of the said Declarations shall be delivered to the Com-  
 ‘ mander of the Cruizer, or to the Officer who shall have  
 ‘ been appointed to bring in the detained Vessel.

‘ Article V.—The Vessels detained as before mentioned,  
 ‘ their Masters, Crews, and Cargoes, shall be forthwith pro-  
 ‘ ceeded against before the proper Tribunals in the respec-  
 ‘ tive Countries according to the established Forms; and if  
 ‘ in consequence of such Proceedings the said Vessel shall  
 ‘ be found to have been employed in the Slave Trade, or to  
 ‘ have been fitted out for the Purposes thereof, the Master,  
 ‘ the Crew, and the Accomplices, as well as the Ship and  
 ‘ Cargo, shall be dealt with conformably to the respective  
 ‘ Laws of the Two Countries.

‘ In case the said Vessels shall be confiscated a Portion  
 ‘ of the Proceeds arising from their Sale shall be paid into  
 ‘ the Hands of the Government to which the Captor belongs,  
 ‘ to be distributed among the Officers and Crew of the cap-  
 ‘ turing Ship. This Portion shall be Sixty-five *per Centum*  
 ‘ of the Net Produce of the Sale, as long as such a Distri-  
 ‘ bution of the Proceeds is consistent with the respective  
 ‘ Laws of the Two Countries.

‘ Article VI.—Any Merchant Vessel of either of the Two  
 ‘ Nations visited and detained in pursuance of the Conven-  
 ‘ tion of the Thirtieth Day of *November* One thousand eight  
 ‘ hundred and thirty-one, and of the Provisions herein-  
 ‘ before recited, shall, unless Proof be given to the contrary,  
 ‘ be held and taken of Right to have engaged in the Slave  
 ‘ Trade, or to have been fitted out for the Purposes of such  
 ‘ Traffic, if any of the Particulars herein-after specified shall  
 ‘ be found in her Outfit or Equipment, or on board of her;  
 ‘ *videlicet,*

‘ 1°. Having her Hatches fitted with open Gratings,  
 ‘ instead of being close Hatches as usual in Merchant  
 ‘ Vessels.

‘ 2°. Having more Divisions or Bulk-heads in the Hold  
 ‘ or on Deck than necessary for Trading Vessels.

‘ 3°. Having on board spare Planks, either actually  
 ‘ fitted in that Shape, or fit for readily laying a Second or  
 ‘ moveable Deck or Slave Deck.

‘ 4°. Having on board Shackles, Bolts, or Handcuffs.

‘ 5°. Having on board a Supply of Water more than  
 ‘ sufficient for the Consumption of her Crew as a Mer-  
 ‘ chant Vessel.

‘ 6°. Having

‘ 6°. Having on board an unreasonable Number of  
 ‘ Water Casks or other Vessels for holding Water, unless  
 ‘ the Master shall produce a Certificate from the Custom  
 ‘ House from the Place at which he cleared outwards,  
 ‘ stating that a sufficient Security had been given by the  
 ‘ Owner of such Vessel that such Casks or other Vessels  
 ‘ should only be used for the Reception of Palm Oil, or  
 ‘ be employed in any other lawful Trade.

‘ 7°. Having on board a greater Quantity of Mess-tubs  
 ‘ or Kids than requisite for the Use of her Crew as a  
 ‘ Merchant Vessel.

‘ 8°. Having on board Two or more Copper Boilers, or  
 ‘ even One evidently larger than requisite for the Use of  
 ‘ her Crew as a Merchant Vessel.

‘ 9°. Having on board a Quantity of Rice or Farinha,  
 ‘ Flour of the Manioc of *Brazil* or Cassada, or Maize or  
 ‘ Indian Corn, beyond any probable requisite Provision  
 ‘ for the Use of her Crew, and such Rice, Flour, Maize  
 ‘ or Indian Corn not being entered on the Manifest as  
 ‘ Part of the Cargo for Trade.

‘ Article VII.—No Compensation shall in any Case be  
 ‘ granted either to the Master or to the Owner, or to any  
 ‘ other Person interested in the Equipment or Lading of a  
 ‘ Merchant Vessel in which any of the Particulars specified  
 ‘ in the preceding Article shall be found, even if the Tri-  
 ‘ bunals should not pronounce any Condemnation in conse-  
 ‘ quence of her Detention.

‘ Article VIII.—When a Merchant Vessel of either of the  
 ‘ Two Nations shall have been visited and detained illegally,  
 ‘ or without sufficient Cause of Suspicion, or when the Visit  
 ‘ and Detention shall have been attended with any Abuse or  
 ‘ vexatious Acts, the Commander of the Cruizer, or the  
 ‘ Officer who shall have boarded the said Vessel, or the  
 ‘ Officer who shall have been appointed to bring her in, as  
 ‘ the Case may be, shall be liable to Costs and Damages to  
 ‘ the Master and to the Owners of the Vessel and Cargo.

‘ These Costs and Damages may be awarded by the Tri-  
 ‘ bunal before which the Proceedings against the detained  
 ‘ Vessel, her Master, Crew, and Cargo, shall have been insti-  
 ‘ tuted, and the Government of the Country to which the  
 ‘ Officer who gave Occasion for such Award shall belong  
 ‘ shall pay the Amount of the said Costs and Damages  
 ‘ within the Period of One Year from the Date of the  
 ‘ Award.

‘ Article IX.—If in the Visit or Detention of a Merchant  
 ‘ Vessel, made in virtue of the Provisions of the Convention  
 ‘ of the Thirtieth of *November* One thousand eight hundred  
 ‘ and thirty-one, or of the present Convention, any Abuse or  
 ‘ Vexation shall have been committed, but the Vessel shall  
 ‘ not have been delivered over to the Jurisdiction of her  
 ‘ own Nation, the Master of the Vessel shall make a Decla-  
 ‘ ration on Oath of the Abuses or Vexations of which he  
 ‘ has to complain, and of the Costs and Damages to which  
 ‘ he lays Claim, before the competent Authorities in the first

' Port of his own Country at which he may arrive, or before  
 ' the Consular Agent of his Nation, if the Vessel proceeds  
 ' to a Foreign Port where there is such an Agent; this  
 ' Declaration shall be confirmed by an Examination under  
 ' Oath of the principal Persons of the Crew or Passengers  
 ' who have witnessed the Visit or Detention; and One  
 ' formal Declaration (*Procès verbal*) of the whole shall be  
 ' drawn up, and Two Copies thereof delivered to the Master,  
 ' who shall forward one of them to his own Government in  
 ' support of his Claim for Costs and Damages. It is under-  
 ' stood that if any compulsory Circumstances should prevent  
 ' the Master from making his Declaration, it may be made  
 ' by the Owner, or by any other Person interested in the  
 ' Vessel or in her Cargo.

' On the official Transmission of One Copy of the formal  
 ' Declaration (*Procès verbal*) above mentioned, through the  
 ' Channel of the respective Embassies, the Government of  
 ' the Country to which the Officer charged with Abuses or  
 ' Vexations shall belong shall forthwith institute an Inquiry  
 ' into the Matter; and if the Validity of the Complaint be  
 ' admitted, the said Government shall cause to be paid to  
 ' the Master or Owner or to any other Person interested in  
 ' the Vessel which has been molested, or in her Cargo,  
 ' the Amount of Costs and Damages which may be due  
 ' to them.

' Article X.—The Two Governments engage reciprocally  
 ' to communicate each to the other, free of Expence, and  
 ' upon Application being made, Copies of all the Proceed-  
 ' ings instituted and Judgments given relative to Vessels  
 ' visited or detained in execution of the Provision of the  
 ' Convention of the Thirtieth *November* One thousand eight  
 ' hundred and thirty-one, and of the present Convention.

' Article XI.—The Two Governments agree to ensure the  
 ' immediate Freedom of all Slaves who shall be found on  
 ' board Vessels visited and detained in virtue of the Stipula-  
 ' tions of the principal Convention herein-before referred to,  
 ' or of the present Convention, whenever the Offence of  
 ' trafficking in Slaves shall have been established by the  
 ' Sentence of the respective Tribunals. They reserve to  
 ' themselves, however, for the Welfare of the Slaves them-  
 ' selves, the Right to employ them as Servants or free La-  
 ' bourers, conformably to their respective Laws.

' Article XII.—It is hereby agreed between the Two High  
 ' Contracting Parties that in all Cases in which a Vessel,  
 ' under the Convention of the Thirtieth of *November* One  
 ' thousand eight hundred and thirty-one, or under this Sup-  
 ' plementary Convention, shall be detained by their respec-  
 ' tive Cruizers, as having been engaged in the Slave Trade  
 ' or fitted out for the Purposes thereof, and shall be placed  
 ' at the Disposal of either Government for the Purpose of  
 ' being sold, in consequence of a Sentence of Confiscation  
 ' pronounced by a competent Tribunal, the said Vessel shall  
 ' be broken up in whole or in part before the Sale, when-  
 ' 5 & 6 GUL. IV. X ever

‘ ever its peculiar Construction or Outfit shall give Reason  
 ‘ to fear that it may be again employed in the Slave Trade  
 ‘ or any other illicit Traffic.

‘ Article XIII.—The present Convention shall be ratified,  
 ‘ and the Ratifications shall be exchanged at *Paris*, within  
 ‘ the Space of One Month, or sooner, if possible.

‘ In witness whereof the above-named Plenipotentiaries  
 ‘ have signed in Duplicate the present Convention, and have  
 ‘ affixed thereunto the Seals of their Arms.

‘ Done at *Paris* the Twenty-second of *March* One thou-  
 ‘ sand eight hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)

‘ *V. Broglie.* (L.S.)

‘ *Instructions to Cruizers.*

‘ 1°. Whenever a Merchant Vessel of either of the Two  
 ‘ Nations shall be visited by a Cruizer of the other, the  
 ‘ Officer commanding the Cruizer shall exhibit to the Master  
 ‘ of such Vessel the special Orders which confer upon him  
 ‘ the exceptional Right of Visit, and shall deliver to him a  
 ‘ Certificate, signed by him, specifying his Rank in the  
 ‘ Navy of his Country, with the Name of the Ship which he  
 ‘ commands, and declaring that the only Object of such Visit  
 ‘ is to ascertain whether the Vessel is engaged in the Slave  
 ‘ Trade, or is fitted out for the Purposes of such Traffic:  
 ‘ When the Visit is made by another Officer of the Cruizer  
 ‘ than the Commander, this Officer shall not be under the  
 ‘ Rank of Lieutenant in the Navy; and in this Case such  
 ‘ Officer shall exhibit to the Master of the Merchant Vessel  
 ‘ a Copy of the special Orders above mentioned signed by  
 ‘ the Commander of the Cruizer, and shall likewise deliver  
 ‘ to him a Certificate, signed by him, specifying the Rank  
 ‘ which he holds in the Navy, the Name of the Commander  
 ‘ under whose Orders he is acting, and of the Cruizer to  
 ‘ which he belongs, and the Object of his Visit, as herein-  
 ‘ before recited. If it shall be ascertained by the Visit that  
 ‘ the Ship's Papers are regular, and her Proceedings lawful,  
 ‘ the Officer shall certify upon the Log Book of the Vessel  
 ‘ that the Visit took place only in virtue of the special Orders  
 ‘ above mentioned, and the Vessel shall be permitted to con-  
 ‘ tinue her Course.

‘ 2°. If in consequence of the Visit the Officer command-  
 ‘ ing the Cruizer shall be of opinion that there are sufficient  
 ‘ Grounds for believing that the Vessel is engaged in the  
 ‘ Slave Trade, or has been fitted out for that Traffic, and if  
 ‘ he shall in consequence determine to detain her, and to  
 ‘ have her delivered up to the respective Jurisdiction, he  
 ‘ shall forthwith cause a List to be made out, in Duplicate,  
 ‘ of all the Papers found on board; and he shall sign this  
 ‘ List and the Duplicate, adding to his Name his Rank in  
 ‘ the Navy and the Name of the Vessel under his Command;  
 ‘ he shall in like Manner make out and sign in Duplicate a

‘ Declaration,

‘ Declaration, stating the Place and Time of the Detention,  
 ‘ the Name of the Vessel, that of her Master, and those of  
 ‘ the Persons composing her Crew, and also the Number  
 ‘ and Condition of the Slaves found on board. This Decla-  
 ‘ ration shall further contain an exact Description of the  
 ‘ State of the Vessel and her Cargo.

‘ 3°. The Commander of the Cruizer shall without Delay  
 ‘ carry or send the detained Vessel, with her Master, Crew,  
 ‘ Cargo, and the Slaves found on board, to One of the Ports  
 ‘ herein-after specified, in order that Proceedings may be  
 ‘ instituted in regard to them, conformably to the respective  
 ‘ Laws of each Country; and he shall deliver the same to  
 ‘ the competent Authorities, or to the Persons who shall  
 ‘ have been specially appointed for that Purpose by the  
 ‘ respective Governments.

‘ 4°. No Person whatever shall be taken out of the de-  
 ‘ tained Vessel, nor shall any Part of her Cargo, nor of the  
 ‘ Slaves found on board, be removed from her until after  
 ‘ such Vessel shall have been delivered over to the Au-  
 ‘ thorities of her own Nation, excepting only when the  
 ‘ Removal of the Whole or of Part of the Crew, or of the  
 ‘ Slaves found on board, shall be deemed necessary, either  
 ‘ for the Preservation of their Lives or from any other Con-  
 ‘ sideration of Humanity, or for the Safety of the Persons  
 ‘ who shall be charged with the Navigation of the Vessel  
 ‘ after her Detention; in this Case the Commander of the  
 ‘ Cruizer, or the Officer appointed to bring in the detained  
 ‘ Vessel, shall make a Declaration of such Removal, in which  
 ‘ he shall specify the Reasons for the same; and the Mas-  
 ‘ ters, Sailors, Passengers, or Slaves so removed shall be  
 ‘ carried to the same Port as the Vessel and her Cargo, and  
 ‘ they shall be received in the same Manner as the Vessel,  
 ‘ agreeably to the Regulations herein-after set forth.

‘ 5°. All such *French* Vessels as shall be detained by the  
 ‘ Cruizer of His *Britannic* Majesty on the *African* Station  
 ‘ shall be carried and delivered up to the *French* Jurisdiction  
 ‘ at *Goree*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *West India* Station shall be car-  
 ‘ ried and delivered up to the *French* Jurisdiction at *Mar-*  
 ‘ *tinique*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *Madagascar* Station shall be car-  
 ‘ ried and delivered up to the *French* Jurisdiction at the Isle  
 ‘ of *Bourbon*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *Brazilian* Station shall be carried  
 ‘ and delivered up to the *French* Jurisdiction at *Cayenne*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ Cruizers of His Majesty the King of the *French* on the  
 ‘ *African* Station shall be carried and delivered up to the Ju-  
 ‘ risdiction of His *Britannic* Majesty at *Bathurst* on the  
 ‘ River *Gambia*.

‘ All such *British* Vessels as shall be detained by the  
‘ *French* Squadron on the *West India* Station shall be carried  
‘ and delivered up to the *British* Jurisdiction at *Port Royal*  
‘ in *Jamaica*.

‘ All such *British* Vessels as shall be detained by the  
‘ *French* Squadron on the *Madagascar* Station shall be carried  
‘ and delivered up to the *British* Jurisdiction at the *Cape*  
‘ of *Good Hope*.

‘ All such *British* Vessels as shall be detained by the  
‘ *French* Squadron on the *Brazilian* Station shall be carried  
‘ and delivered up to the *British* Jurisdiction at the Colony  
‘ of *Demerara*.

‘ 6°. As soon as a Merchant Vessel which shall have been  
‘ detained as aforesaid shall arrive at one of the Ports or  
‘ Places above mentioned, the Commander of the Cruizer,  
‘ or the Officer appointed to bring in the detained Vessel,  
‘ shall forthwith deliver to the Authorities duly appointed  
‘ for that Purpose by the respective Governments the Vessel  
‘ and her Cargo, together with the Master, Crew, Pas-  
‘ sengers, and Slaves found on board, as also the Papers  
‘ which shall have been seized on board the Vessel, and one  
‘ of the Lists made out in Duplicate of the said Papers, the  
‘ other remaining in his Possession. Such Officer shall at  
‘ the same Time deliver to the said Authorities One of the  
‘ Declarations made out in Duplicate as herein-before spe-  
‘ cified, adding thereto a Statement of any Changes which  
‘ may have taken place from the Time of Detention to that  
‘ of the Delivery, as well as a Copy of the Declaration of  
‘ any Removals which may have taken place as above pro-  
‘ vided for. In delivering over these several Documents  
‘ the Officer will make Attestation of their Truth on Oath  
‘ and in Writing.

‘ 7°. If the Commander of a Cruizer of either of the High  
‘ Contracting Parties who shall be duly furnished with the  
‘ aforesaid special Instructions shall have Reason to suspect  
‘ that a Merchant Vessel sailing under Convoy or in com-  
‘ pany with a Ship of War of the other Party is engaged in  
‘ the Slave Trade, or has been fitted out for the Purpose of  
‘ that Traffick, he shall confine himself to the communicating  
‘ his Suspicions to the Commander of the Convoy or of the  
‘ Ship of War, and he shall leave it to the latter to proceed  
‘ alone to a Visit of the suspected Vessel, and to deliver  
‘ her up, if the Case require it, to the Jurisdiction of her  
‘ own Country.

‘ 8°. The Cruizers of the Two Nations shall conform strictly  
‘ to the Tenor of these Instructions, which are to be con-  
‘ sidered as a Development of the Clauses of the principal  
‘ Convention of the Thirtieth of *November* One thousand  
‘ eight hundred and thirty-one, as well as of the Convention  
‘ to which they are annexed.

‘ The undersigned Plenipotentiaries have agreed, in con-  
‘ formity with the Second Article of the Convention signed  
‘ by them on this Day, the Twenty-second of *March* One  
‘ thousand

‘ thousand eight hundred and thirty-three, that the preceding  
 ‘ Instructions shall be annexed to the said Convention, and  
 ‘ considered as an integral Part thereof.

‘ *Paris*, the Twenty-second of *March* One thousand  
 ‘ eight hundred and thirty-three.

‘ (Signed) *Granville.* (L. S.)

‘ *V. Broglie.* (L. S.)

‘ **ARTICLE II.**—It is agreed, with reference to Article Three  
 ‘ of the Convention of the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one, herein above transcribed, that  
 ‘ His Majesty the King of *Denmark* shall fix, according to his  
 ‘ Convenience, the Number of *Danish* Cruizers which shall be  
 ‘ employed on the Service mentioned in the said Article, and  
 ‘ the Stations on which they shall cruize.

‘ **ARTICLE III.**—The Government of His Majesty the King  
 ‘ of *Denmark* shall make known to the Government of *Great*  
 ‘ *Britain* and of *France*, conformably to Article Fourth of the  
 ‘ Convention of the Thirtieth of *November* One thousand eight  
 ‘ hundred and thirty-one, the *Danish* Ships of War which are  
 ‘ to be employed in the Suppression of the Trade, in order to  
 ‘ obtain for their Commanders the necessary Warrants; the  
 ‘ Warrants which are to be delivered by *Denmark* shall be  
 ‘ issued as soon as Notification of the Number of *British* and  
 ‘ *French* Cruizers intended to be employed shall be made to  
 ‘ the *Danish* Government.

‘ **ARTICLE IV.**—It is agreed, with reference to the Fifth  
 ‘ Article of the Instructions annexed to the Supplementary  
 ‘ Convention of the Twenty-second of *March* One thousand  
 ‘ eight hundred and thirty-three, that all *Danish* Vessels which,  
 ‘ in pursuance of the Convention herein above transcribed,  
 ‘ may be detained by the Cruizers of His Majesty the King  
 ‘ of the United Kingdom of *Great Britain* and *Ireland* or of  
 ‘ His Majesty the King of the *French*, employed on the *Ame-*  
 ‘ *rican* Station, shall be carried and delivered to the *Danish*  
 ‘ Authorities at *Santa Cruz*.

‘ That all *Danish* Vessels detained by *British* or *French*  
 ‘ Cruizers on the *African* Station shall be delivered to the  
 ‘ *Danish* Authorities at the Fort of *Christiansburg* on the Gold  
 ‘ Coast of *Guinea*.

‘ And that every Vessel under the *Danish* Flag which shall  
 ‘ be detained by the *British* or *French* Cruizers employed on  
 ‘ the *Madagascar* Station shall be delivered to the Authorities  
 ‘ at one or other of the *Danish* Possessions herein above men-  
 ‘ tioned, or to the *Danish* Authorities at *Tranquebar* in the  
 ‘ *East Indies*, if Circumstances shall render the last-mentioned  
 ‘ Destination desirable.

‘ **ARTICLE V.**—The present Treaty shall be ratified, and the  
 ‘ Ratifications shall be exchanged at *Copenhagen* in the Space  
 ‘ of Three Months, or sooner if possible.

‘ And whereas the said Treaty was ratified by and between His  
 ‘ Majesty the King of the United Kingdom of *Great Britain* and  
 ‘ *Ireland*, His Majesty the King of the *French*, and His Majesty  
 ‘ the King of *Denmark* respectively, and such Ratifications were  
 ‘ exchanged on the Nineteenth Day of *October* in the Year of

Any Officer commanding a Ship of War of His Majesty or of the King of Denmark may search Merchant Vessels of either Nation suspected of being engaged in the Slave Trade.

‘ our Lord One thousand eight hundred and thirty-four: And  
 ‘ whereas it is expedient and necessary that effectual Provision  
 ‘ should be made for carrying into execution the Provisions of  
 ‘ the said Treaty:’ Be it therefore enacted by the King’s most  
 Excellent Majesty, by and with the Advice and Consent of the  
 Lords Spiritual and Temporal, and Commons, in this present Par-  
 liament assembled, and by the Authority of the same, That it  
 shall be lawful for any Officer commanding any Ship of War of  
 His Majesty or of the King of *Denmark*, who shall have such  
 Rank as by the Second Article of the said Convention of the  
 Thirtieth *November* One thousand eight hundred and thirty-one  
 is agreed, and who shall be duly instructed and authorized and  
 furnished according to the several Provisions of the said Two  
 Conventions, and within the Waters described, and according to  
 the Provisions and Exceptions contained in the First Article of  
 the said Convention of the Thirtieth *November* One thousand  
 eight hundred and thirty-one, to exercise the Right of visiting  
 and searching any Merchant Vessel of either of the said Two  
 Nations of *Great Britain* and *Denmark* liable to Suspicion and  
 suspected of having engaged in or of having been employed in  
 the Slave Trade, or of having been fitted out for the Purposes  
 of such Traffic, according to the several Provisions and Instructions  
 of the said Two Conventions, except as in the said Third Article  
 of the said Supplementary Convention is excepted; and it shall  
 further be lawful for such Officer, under such Circumstances, and  
 upon sufficient Grounds, to exercise the Right of detaining and  
 of sending or carrying in and delivering over any such Vessel,  
 together with its Master, Sailors, Passengers, Slaves, and Cargo,  
 to the Authorities appointed by the respective Governments of  
*Great Britain*, *France*, and *Denmark* for the Purposes of the said  
 Treaty of the Twenty-sixth of *July* One thousand eight hundred  
 and thirty-four, and to one of the Jurisdictions in the said In-  
 structions mentioned, as the same are altered and modified by  
 the said Treaty, in order that Proceedings may be instituted  
 conformably to the respective Laws of the said Two Countries of  
*Great Britain* and *Denmark*; and all such Commanders of His  
 Majesty’s Ships are hereby authorized and required, in the  
 Exercise of such Rights of visiting, searching, detaining, sending,  
 carrying in, and delivering as aforesaid, to execute and comply  
 with the said several Provisions and Instructions of the said Two  
 Conventions as apply thereto respectively, and as the same are  
 altered and modified by the said Treaty of the Twenty-sixth of  
*July* One thousand eight hundred and thirty-four.

Any Proceed-ings instituted against Crew, &c. of captured Vessels to be conducted in Name of the King of Great Britain and Ireland.

II. And be it further enacted, That where any such Officer  
 of His Majesty the King of *Denmark* shall send, carry, or deliver  
 over as aforesaid any such Merchant Vessel, wholly or in part  
 owned by any Subject or Subjects of His Majesty the King of  
 the United Kingdom of *Great Britain* and *Ireland*, all and every  
 Proceedings instituted in the Tribunals herein-after mentioned in  
 regard to such Merchant Vessel, and its Crew, Cargo, and Slaves,  
 and in respect to the Cause, shall be conducted in the Name of  
 His said Majesty the King of the United Kingdom of *Great  
 Britain* and *Ireland* by some Person duly thereunto authorized:  
 (that is to say,) all Ships, Cargoes, and Slaves which shall be  
 detained



detained by the Cruizers of His Majesty the King of *Denmark* and delivered up to the Jurisdiction of His Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court at *Sierra Leone*; and all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruizers of His Majesty the King of *Denmark*, and delivered up to the Jurisdiction of His Majesty either at *Jamaica*, the *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Courts established in the said Colonies respectively, and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

III. And be it further enacted and declared, That if any of the Particulars specified in the Sixth Article of the said Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three shall be found in the Outfit or Equipment of or on board of any such Merchant Vessel, wholly or in part owned as last aforesaid, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*.

If any of the Particulars specified in Sixth Article are found on board a captured Vessel, she shall be deemed engaged in Slave Trade.

5 G. 4. c. 113.

IV. And be it further enacted, That in case any such Merchant Vessel, wholly or in part owned as aforesaid, shall be brought in by any Officer of His Majesty the King of *Denmark*, duly authorized, and shall be confiscated according to the Laws of this Country, and the Provisions of the said Two Conventions (as the same are altered and modified by the said Treaty) and of the said Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, it shall be lawful for His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* to direct that a Portion of the Proceeds arising from the Sale thereof shall be paid into the Hands of the Government of His Majesty the King of *Denmark*, according to the Provisions of the Fifth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three; and any Portion of the Proceeds arising from the Sale of any Ship agreed to be paid into the Hands of the Government of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Fifth Article, or Cargo, shall be paid to such Person or Persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the Use of the Captors, according to the Provision of the said Fifth Article, and that the same, after deducting all necessary Expences, shall be distributed to and amongst the Officers and Crew of the capturing Ship, in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

A Portion of the Proceeds arising from Sale of Slave Vessel captured by a Danish Officer to be paid to King of Denmark.

V. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and

Bounty of Five Pounds to be paid to Com-

manders and Crews for every Slave found on board a condemned Vessel of either Nation.

and *Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty of the Twenty-sixth of *July* One thousand eight hundred and thirty-four, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board a *British* or *Danish* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty to be paid on Production of Certificate.

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

When Slaves are seized but not condemned Lords of the Treasury empowered to grant a Moiety of the Bounty.

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

Persons claiming Benefit of Bounty may resort to High Court of Admiralty for Judgment thereon.

VIII. Provided also, and be it further enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Danish* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise on any Seizure made in pursuance of this Act, and to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations pertaining to the Distribution of Prize Money.

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

to the Officers and Crews of any of His Majesty's Ships or Vessels of War.

X. And be it further enacted, That where any illegal Visit and Detention, or any Visit and Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place, and have been made by any Officer of His Majesty the King of *Great Britain* and *Ireland*, as is mentioned in the Eighth and Ninth Articles of the said Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three, it shall be lawful for the Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of His Majesty's Treasury.

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

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

Where Damages are sustained by illegal Detention of Vessels, the Treasury to make Compensation.

Where Judgment is given against the Seizor, the Treasury to defray Expences by him incurred.

Defendant may plead the General Issue, and give this Act in Evidence.

## C A P. LXII.

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. [9th September 1835.]

5 W. 4. c. 8.

WHEREAS an Act was passed in 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 it was thereby enacted that the said Act should commence and take effect from and after the First Day of June in this present Year, the Year of our Lord One thousand eight hundred and thirty-five, it not being intended that the said recited Act should take effect before the same received the Royal Assent: And whereas the said recited Act did not receive the Royal Assent till after the said First Day of June One thousand eight hundred and thirty-five: And whereas it was enacted by the said recited Act, that from and after the First Day of June next ensuing it should not be lawful for any Justice of the Peace to administer or receive such voluntary Oaths as are therein mentioned, it being intended that the said Prohibition should take effect from the Time of the Commencement of the said recited Act: And whereas it is expedient to amend the said Act, and to make some further Provisions for the better effecting the Object thereof, and to consolidate all the Provisions relating thereto into One Act: be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed.

Recited Act repealed.

Lords of the Treasury empowered to substitute a Declaration in lieu of an Oath, &c. in certain Cases.

II. And be it further enacted, That in any Case where, by any Act or Acts made or to be made relating to the Revenues of Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works, and Buildings, the War Office, the Army Pay Office, the Office of the Treasurer of the Navy, the Accountant General of the Navy, or the Ordnance, His Majesty's Treasury, *Chelsea* Hospital, *Greenwich* Hospital, the Board of Trade, or any of the Offices of His Majesty's Principal Secretaries of State, the *India* Board, the Office for auditing the Public Accounts, the National Debt Office, or any Office under the Control, Direction, or Superintendance of the Lords Commissioners of His Majesty's Treasury, or by any official Regulation in any Department, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person on the doing of any Act, Matter, or Thing, or for the Purpose of verifying any Book, Entry, or Return, or for any other Purpose whatsoever, it shall

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be lawful for the Lords Commissioners of His Majesty's Treasury or any Three of them, if they shall so think fit, by Writing under their Hands and Seals, to substitute a Declaration to the same Effect as the Oath, solemn Affirmation, or Affidavit which might but for the passing of this Act be required to be taken or made; and the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in Presence of the Commissioners, Collector, other Officer or Person empowered by such Act or Acts to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe such Declaration, and every such Commissioner, Collector, other Officer or Person is hereby empowered and required to administer the same accordingly.

III. And be it enacted, That when the said Lords Commissioners of His Majesty's Treasury or any Three of them shall, in any such Case as herein-before mentioned, have substituted, in Writing under their Hands and Seals, a Declaration in lieu of an Oath, solemn Affirmation, or Affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a Copy of the Instrument substituting such Declaration to be inserted and published in the *London Gazette*; and from and after the Expiration of Twenty-one Days next following the Day of the Date of the Gazette wherein the Copy of such Instrument shall have been published, the Provisions of this Act shall extend and apply to each and every Case specified in such Instrument, as well and in the same Manner as if the same were specified and named in this Act.

IV. And be it enacted, That after the Expiration of the said Twenty-one Days it shall not be lawful for any Commissioner, Collector, Officer, or other Person to administer or cause to be administered, or receive or cause to be received, any Oath, solemn Affirmation, or Affidavit, in the lieu of which such Declaration as aforesaid shall have been directed by the Lords Commissioners of His Majesty's Treasury to be substituted.

V. And be it enacted, That if any Person shall make and subscribe any such Declaration as herein-before mentioned in lieu of any Oath, solemn Affirmation, or Affidavit by any Act or Acts relating to the Revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any Act, Matter, or Thing, or for verifying any Book, Account, Entry, or Return, or for any Purpose whatsoever, and shall wilfully make therein any false Statements as to any material Particular, the Person making the same shall be deemed guilty of a Misdemeanor.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or apply to the Oath of Allegiance in any Case in which the same now is or may be required to be taken by any Person who may be appointed to any Office, but that such Oath of Allegiance shall continue to be required, and shall be administered and taken, as well and in the same Manner as if this Act had not been passed.

VII. Provided also, and be it enacted, That nothing in this Act contained shall extend or apply to any Oath, solemn Affirmation, or Affidavit which now is or hereafter may be made or taken, or

Declaration substituted to be published in the Gazette, and after 21 Days from the Date thereof the Provisions of this Act to apply;

and no Oath to be administered where such Declaration has been directed.

False Declarations in Matters relating to certain Revenues a Misdemeanor.

Oath of Allegiance still to be required in all Cases.

Oaths in Courts of Justice, &c. still to be taken.

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be required to be made or taken, in any Judicial Proceeding in any Court of Justice, or in any Proceeding for or by way of summary Conviction before any Justice or Justices of the Peace, but all such Oaths, Affirmations, and Affidavits, shall continue to be required, and to be administered, taken, and made, as well and in the same Manner as if this Act had not been passed.

Universities of Oxford and Cambridge, and other Bodies, may substitute a Declaration in lieu of an Oath.

VIII. And be it enacted, That it shall be lawful for the Universities of *Oxford* and *Cambridge*, and for all other Bodies Corporate and Politic, and for all Bodies now by Law or Statute, or by any valid Usage, authorized to administer or receive any Oath, solemn Affirmation, or Affidavit, to make Statutes, Bye Laws, or Orders authorizing and directing the Substitution of a Declaration in lieu of any Oath, solemn Affirmation, or Affidavit now required to be taken or made: Provided always, that such Statutes, Bye Laws, or Orders be otherwise duly made and passe according to the Charter, Laws, or Regulations of the particular University, other Body Corporate and Politic, or other Body so authorized as aforesaid.

Churchwarden's and Sidesman's Oath abolished, and a Declaration to be made in lieu thereof.

IX. ' And whereas Persons serving the Offices of Churchwarden and Sidesman are at present required to take an Oath of Office before entering upon the Execution thereof, and also an Oath on quitting such Office, and it is expedient that a Declaration shall be substituted for such Oath of Office, and that the Oath on quitting the same shall be abolished,' be it enacted, That in future every Person entering upon the Office of Churchwarden or Sidesman, before beginning to discharge the Duties thereof, shall, in lieu of such Oath of Office, make and subscribe, in the Presence of the Ordinary or other Person before whom he would, but for the passing of this Act, be required to take such Oath, a Declaration that he will faithfully and diligently perform the Duties of his Office, and such Ordinary or other Person is hereby empowered and required to administer the same accordingly: Provided always, that no Churchwarden or Sidesman shall in future be required to take any Oath on quitting Office, as has heretofore been practised.

Declaration substituted for Oaths and Affidavits by Persons acting in Turnpike Trusts.

X. And be it enacted, That in any Case where, under any Act or Acts for making, maintaining, or regulating any Highway, or any Road, or any Turnpike Road, or for paving, lighting, watching, or improving any City, Town, or Place, or touching any Trust relating thereto, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person whomsoever, no such Oath, solemn Affirmation, or Affidavit shall in future be required to be or be taken or made, but the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in lieu thereof, in the Presence of the Trustee, Commissioner, or other Person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a Declaration to the same Effect as such Oath, solemn Affirmation, or Affidavit, and such Trustee, Commissioner, or other Person is hereby empowered and required to administer and receive the same.

Declaration substituted for

XI. And be it enacted, That whenever any Person or Persons shall seek to obtain any Patent under the Great Seal for any Discovery

covery or Invention, such Person or Persons shall, in lieu of any Oath, Affirmation, or Affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such Patent, make and subscribe, in the Presence of the Person before whom he might, but for the passing of this Act, be required to take or make such Oath, Affirmation, or Affidavit, a Declaration to the same Effect as such Oath, Affirmation, or Affidavit; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath, Affirmation or Affidavit in lieu whereof it shall have been so made and subscribed.

Oaths and Affidavits heretofore required on taking out a Patent.

XII. And be it enacted, That where by any Act or Acts at the Time in force for regulating the Business of Pawnbrokers any Oath, Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made, the Person who by or under such Act or Acts might be required to take or make such Oath, Affirmation, or Affidavit shall in lieu thereof make and subscribe a Declaration to the same Effect; and such Declaration shall be made and subscribed at the same Time, and on the same Occasion, and in the Presence of the same Person or Persons, as the Oath, Affirmation, or Affidavit in lieu whereof it shall be made and subscribed would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the Enactments, Provisions, and Penalties contained in or imposed by any such Act or Acts, as to any Oath, Affirmation, or Affidavit thereby directed or required to be taken or made, shall extend and apply to any Declaration in lieu thereof, as well and in the same Manner as if the same were herein expressly enacted with reference thereto.

Declaration substituted for Oaths and Affidavits required by Acts as to Pawnbrokers.

XIII. And whereas a Practice has prevailed of administering and receiving Oaths and Affidavits voluntarily taken and made in Matters not the Subject of any Judicial Inquiry, nor in any wise pending or at issue before the Justice of the Peace or other Person by whom such Oaths or Affidavits have been administered or received: And whereas Doubts have arisen whether or not such Proceeding is illegal; for the more effectual Suppression of such Practice and removing such Doubts, be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Justice of the Peace or other Person to administer, or cause or allow to be administered, or to receive, or cause or allow to be received, any Oath, Affidavit, or solemn Affirmation touching any Matter or Thing whereof such Justice or other Person hath not Jurisdiction or Cognizance by some Statute in force at the Time being: Provided always, that nothing herein contained shall be construed to extend to any Oath, Affidavit, or solemn Affirmation before any Justice in any Matter or Thing touching the Preservation of the Peace, or the Prosecution, Trial, or Punishment of Offences, or touching any Proceedings before either of the Houses of Parliament or any Committee thereof respectively, nor to any Oath, Affidavit, or Affirmation which may be required by the Laws of any Foreign Country to give Validity to Instruments in Writing designed to be used in such Foreign Countries respectively.

Penalties as to such Oaths, &c. to apply to Declarations.

Justices not to administer Oaths, &c. touching Matters whereof they have no Jurisdiction by Statute.

Proviso.

XIV. And

Declaration substituted for Oaths and Affidavits required by Bank of England on the Transfer of Stock.

XIV. And be it further enacted, That in any Case in which it has been the usual Practice of the Bank of *England* to receive Affidavits on Oath to prove the Death of any Proprietor of any Stocks or Funds transferrable there, or to identify the Person of any such Proprietor, or to remove any other Impediment to the Transfer of any such Stocks or Funds, or relating to the Loss, Mutilation, or Defacement of any Bank Note or Bank Post Bill, no such Oath or Affidavit shall in future be required to be taken or made, but in lieu thereof the Person who might have been required to take or make such Oath or Affidavit shall make and subscribe a Declaration to the same Effect as such Oath or Affidavit.

Declaration substituted for Oaths and Affidavits required by 5 G. 2. c. 7. and 54 G. 3. c. 15.

XV. And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the more easy Recovery of Debts in His Majesty's Colony of New South Wales*: And whereas it is expedient that in future a Declaration should be substituted in lieu of the Affidavit on Oath authorized and required by the said recited Acts; be it therefore enacted, That from and after the Commencement of this Act, in any Action or Suit then depending or thereafter to be brought or intended to be brought in any Court of Law or Equity within any of the Territories, Plantations, Colonies, or Dependencies Abroad, being within and Part of His Majesty's Dominions, for or relating to any Debt or Account wherein any Person residing in *Great Britain and Ireland* shall be a Party, or for or relating to any Lands, Tenements, or Hereditaments or other Property situate, lying, and being in the said Places respectively, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing relating thereto by solemn Declaration or Declarations in Writing in the Form in the Schedule hereunto annexed, made before any Justice of the Peace, Notary Public, or other Officer now by Law authorized to administer an Oath, and certified and transmitted under the Signature and Seal of any such Justice, Notary Public duly admitted and practising, or other Officer, which Declaration, and every Declaration relative to such Matter or Thing as aforesaid, in any Foreign Kingdom or State, or to the Voyage of any Ship or Vessel, every such Justice of the Peace, Notary Public, or other Officer shall be and he is hereby authorized and empowered to administer or receive; and every Declaration so made, certified, and transmitted shall in all such Actions and Suits be allowed to be of the same Force and Effect as if the Person or Persons making the same had appeared and sworn or affirmed the Matters contained in such Declaration *videlicet* in open Court, or upon a Commission issued for the Examination of Witnesses or of any Party in such Action or Suit respectively; provided that in every such Declaration there shall be expressed the Addition of the Party making such Declaration, and the particular Place of his or her Abode.

XVI. And



**XVI.** And be it further enacted, That it shall and may be lawful to and for any attesting Witness to the Execution of any Will or Codicil, Deed or Instrument in Writing, and to and for any other competent Person, to verify and prove the signing, sealing, Publication, or Delivery of any such Will, Codicil, Deed, or Instrument in Writing, by such Declaration in Writing made as aforesaid, and every such Justice, Notary, or other Officer shall be and is hereby authorized and empowered to administer or receive such Declaration.

Declaration in Writing sufficient to prove Execution of any Will, Codicil, &c.

**XVII.** And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of His said Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and their Debts and Accounts and examine His or their Witness or Witnesses by Declaration, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

Suits on behalf of His Majesty to be proved by Declaration.

**XVIII.** And whereas it may be necessary and proper in many Cases not herein specified to require Confirmation of written Instruments or Allegations, or Proof of Debts, or of the Execution of Deeds or other Matters; be it therefore further enacted, That it shall and may lawful for any Justice of the Peace, Notary Public, or other Officer now by Law authorized to administer an Oath, to take and receive the Declaration of any Person voluntarily making the same before him in the Form in the Schedule to this Act annexed; and if any Declaration so made shall be false or untrue in any material Particular the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Voluntary Declaration in the Form in the Schedule may be taken.

**XIX.** And be it enacted, That whenever any Declaration shall be made and subscribed by any Person or Persons under or in pursuance of the Provisions of this Act, or any of them, all and every such Fees or Fee as would have been due and payable on the taking or making any legal Oath, solemn Affirmation, or Affidavit shall be in like Manner due and payable upon making and subscribing such Declaration.

Fees on Oaths payable on Declarations substituted in lieu thereof.

**XX.** And be it further enacted, That in all Cases where a Declaration in lieu of an Oath shall have been substituted by this Act, or by virtue of any Power or Authority hereby given, or where a Declaration is directed or authorized to be made and subscribed under the Authority of this Act, or of any Power hereby given, although the same be not substituted in lieu of an Oath heretofore legally taken, such Declaration unless otherwise directed under the Powers hereby given, shall be in the Form prescribed in the Schedule hereunto annexed.

Declarations to be in the Form prescribed by Schedule.

**XXI.** And be it further enacted, That in any Case where a Declaration is substituted for an Oath under the Authority of this Act, or by virtue of any Power or Authority hereby given, or is directed and authorized to be made and subscribed under the Authority of this Act, or by virtue of any Power hereby given, any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue

Persons making false Declaration deemed guilty of a Misdemeanor.

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in any material Particular, shall be deemed guilty of a Misdemeanor.

Commencement  
of Act.

XXII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *October* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five.

Act may be  
amended, &c.

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

### SCHEDULE referred to by the foregoing Act.

I *A. B.* do solemnly and sincerely declare, That  
and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the \_\_\_\_\_ Year of the Reign of His present Majesty, intituled *An Act* [*here insert the Title of this Act*].

### C A P. LXIII.

An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.

[9th September 1835.]

4 & 5 W. 4. c. 49.

‘ **W**HEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King George the Fourth relating to Weights and Measures*: And whereas it is expedient to repeal the same, and to make other Provisions instead thereof: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed.

Repealed Act

Nothing herein  
to interfere with  
any thing done,  
or to prevent  
the Recovery  
of Penalties,  
under the re-  
pealed Act.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to interfere with any Acts done or Appointments made under the Authority of the said Act, or to prevent the suing for or Recovery of any Penalty incurred by any Offence committed against the Provisions of the said Act previous to the Repeal thereof in and by this Act, or to hinder or defeat any Prosecution commenced or to be brought for such Offence; but all Penalties and Forfeitures so incurred may be sued for and recovered in the same Manner as any Penalties and Forfeitures incurred under the Provisions of this Act are recoverable.

5 G. 4. c. 74.

III. ‘ And whereas an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*: And whereas another Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session of Parliament, for ascertaining and establishing Uniformity of Weights and Measures*; and to amend the said Act: And whereas.

6 G. 4. c. 12.

notwithstanding the Provisions of the said recited Acts, many Sets of Weights and Measures of old accustomed and different Shapes have been made and verified and stamped by the Chamberlains as well as by the Auditor in the Exchequer, as Models of the said new Standards, and have been used as Standard Weights and Measures under the said recited Acts, although different in Shape and Form from the Standards prescribed by the said recited Act of the Fifth Year aforesaid; and it is therefore expedient that such Standard Weights and Measures should be made legal, and that the Comptroller General or some other Officer of the Exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, Standards of Length, Weight, or Measure, although not exact Models and Copies in Shape and Form of the respective Standards of Length, Weight, and Measure deposited under the Provisions of the said first-recited Acts in the Office of the said Chamberlains and Auditor: And whereas it is expedient that the Use of all Weights and Measures not in conformity with the Weights and Measures established by the said recited Acts should be prohibited, and that the Use of the Heaped Measure should be abolished; be it therefore enacted, That so much of the said last-mentioned recited Acts as require that all Weights and Measures shall be Models and Copies in Shape or Form of the Standards deposited in the Exchequer, and also so much of the said recited Acts as allow the Use of Weights and Measures not in conformity with the Imperial Standard Weights and Measures established by the said Acts, or allow Goods or Merchandize to be bought or sold by any Weights or Measures established by local Custom or founded on special Agreement, shall be and the same are hereby repealed.

Provisions in recited Acts as to Models and Copies of Standard Weights and Measures repealed.

IV. And be it enacted, That all Weights and Measures which have been so verified and stamped at the Exchequer at *Westminster* as Copies of the Standard Weights and Measures, corresponding in Weight and Capacity with those established by the said recited Acts, shall be deemed and taken to be legal Weights and Measures, to be used for Comparison as Copies of the Imperial Standard Weights and Measures, although not similar in Shape to those required under the Provisions of the said recited Acts; and that the Comptroller General, or some other Officer of the Exchequer at *Westminster* duly authorized, may compare and verify, and stamp as so compared and verified, as correct Standard Measures of a Yard, and as correct Standard Weights, and as correct Standard Measures of Capacity, any Weights and Measures which shall correspond in Length, Weight, and Capacity with the Standards, or Parts or Multiples thereof respectively, deposited in the Exchequer under the said Act of the Fifth Year aforesaid, although such Weights and Measures may not be Models or Copies in Shape or Form of the Standards so deposited as aforesaid; any thing in the said recited Acts to the contrary notwithstanding.

Certain Weights and Measures declared legal, although not similar in Shape to those required.

Officer may verify, &c. other Weights and Measures than those prescribed by 5 G. 4. c. 74.

V. And be it enacted, That all Copies of the Imperial Standard Weights and Measures which may have become defective, or have been mended in consequence of any Wear or Accident, shall forthwith be sent to the Exchequer at *Westminster* for the

Copies of the Standard Weights and Measures, which shall have been

worn, &c. to be sent to the Exchequer to be re-verified, &c.

Purpose of being again compared and verified, and shall be stamped as re-verified Copies of the Imperial Standard Weights and Measures, provided that the Comptroller General or other Officer appointed for such Verification shall deem them fit to be used for the Purposes of Standards; and every new Comparison and Verification shall be indorsed upon the original Indenture of Verification; and such Weights and Measures shall be so stamped upon Payment of Fees of Verification only; and the Comptroller General or other Officer at the Exchequer duly authorized shall keep an Account or Register of all Copies of the Imperial Standard Weights and Measures that shall have been verified at the Exchequer.

Local and Customary Measures abolished; but certain Vessels may be used.

VI. And be it enacted, That from and after the passing of this Act the Measure called the *Winchester* Bushel, and the Lineal Measure called the *Scotch* Ell, and all local or customary Measures, shall be abolished; and every Person who shall sell, by any Denomination of Measure other than one of the Imperial Measures, or some Multiple or some aliquot Part, such as Half, the Quarter, the Eighth, the Sixteenth, or the Thirty-second Parts thereof, shall, on Conviction, be liable to a Penalty not exceeding the Sum of Forty Shillings for every such Sale: Provided always, that nothing herein contained shall prevent the Sale of any Articles in any Vessel, where such Vessel is not represented as containing any Amount of Imperial Measure, or of any fixed, local, or customary Measure heretofore in use.

Heaped Measure abolished.

VII. ' And whereas the Heaped Measure is liable to considerable Variation; ' be it therefore enacted, That from and after the passing of this Act so much of the said recited Acts as relate to the Heaped Measure shall be and are hereby repealed, and the Use of the Heaped Measure shall be abolished, and all Bargains, Sales, and Contracts which shall be made after the passing of this Act by the Heaped Measure shall be null and void; and every Person who shall sell any Articles by the Heaped Measure shall, on Conviction, be liable to a Penalty not exceeding Forty Shillings for every such Sale.

Articles heretofore sold by Heaped Measure, how to be sold.

VIII. ' And whereas some Articles heretofore sold by Heaped Measure are from their Size and Shape incapable of being ' stricken, and from their Nature and Quality may not be conveniently sold by Weight; ' be it therefore enacted, That all such Articles may henceforth be sold by a Bushel Measure, corresponding in Shape with the Bushel prescribed in and by the said Act passed in the Fifth Year of the Reign of His late Majesty for the Sale of Heaped Measure, or by any Multiple or by some aliquot Part, such as the Half, the Quarter, or the Eighth Part thereof, filled in all Parts as nearly to the Level of the Brim as the Size and Shape of the Articles sold will admit: Provided always, that nothing herein contained shall prevent the Sale by Weight of any Article heretofore sold by Heaped Measure.

Coals to be sold by Weight and not by Measure.

IX. ' And whereas the Sale of all Coals, Slack, Culm, and Cannel of every Description by Weight, and not by Measure, ' would tend greatly to prevent the Commission of Frauds and ' Impositions in the Vend and Delivery of such Coals, Slack, ' Culm, and Cannel of every Description; ' be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred

hundred and thirty-six all Coals, Slack, Culm, and Cannel of every Description shall be sold by Weight and not by Measure ; and every Person who shall from and after the First Day of *January* One thousand eight hundred and thirty-six sell any Coals, Slack, Culm, or Cannel of every Description by Measure, and not by Weight, shall, on Conviction, be liable to a Penalty not exceeding Forty Shillings for every such Sale.

X. And be it enacted, That from and after the passing of this Act all Articles sold by Weight shall be sold by Avoirdupois Weight, except Gold, Silver, Platina, Diamonds or other precious Stones, which may be sold by Troy Weight, and Drugs, which, when sold by Retail, may be sold by Apothecaries Weight.

All Articles to be sold by Avoirdupois, except, &c.

XI. ' And whereas by local Customs in Markets, Towns, and other Places throughout the United Kingdom, the Denomination of the Stone Weight varies ;' be it therefore enacted, That from and after the passing of this Act the Weight denominated a Stone shall in all Cases consist of Fourteen Standard Pounds Avoirdupois, and that the Weight denominated an Hundred Weight shall consist of Eight such Stones, and that the Weight denominated a Ton shall consist of Twenty such Hundred Weight : Provided always, that nothing herein contained shall prevent any Bargain, Sale, or Contract being made by any Multiple or by some aliquot Part, such as the Half, the Quarter, the Eighth, or the Sixteenth Part of the Pound Weight.

The Stone Weight, Hundred Weight, and Ton.

XII. And be it enacted, That all Weights which shall be made after the passing of this Act of the Weight of One Pound Avoirdupois or more shall have the Number of Pounds contained in every such Weight stamped or cast on the Top or Side thereof in legible Figures and Letters ; and that all Measures of Capacity which shall be made after the passing of this Act shall have their Contents denominated, stamped, or marked on the Outside of such Measures in legible Figures and Letters.

Contents of Weights and Measures to be stamped on them.

XIII. ' And whereas the Use of Weights made of soft Materials affords Facility to Fraud ;' be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six no Weight made of Lead or of Pewter, or of any Mixture thereof, shall be stamped or used : Provided always, that nothing herein contained shall prevent the Use of Lead or Pewter, or of any Mixture thereof, in the Manufacture of Weights, if they be wholly and substantially cased with Brass, Copper, or Iron, and legibly stamped or marked " Cased," or shall prevent the Insertion of such a Plug of Lead or Pewter into Weights as shall be *bona fide* necessary for the Purpose of adjusting them and of affixing thereon the Stamp herein-after mentioned.

Weights made of Lead or Pewter not to be stamped.

XIV. And for the Purpose of ascertaining and providing for the Fulfilment of all existing Contracts, and fixing the Payments to be made in consequence of such Contracts or Rents in *England* and *Ireland* payable in Grain or Malt, or in any other Commodity or Thing, and in consequence of any Toll, Rate, or Duty heretofore payable according to the Weights and Measures heretofore in use, where the same shall not have been already ascertained and fixed by Agreement between Parties, or under the Provisions of the said Act of the Fifth Year of His late Majesty ; be it

For ascertaining certain Rents and Tolls, &c. payable in England and Ireland.

enacted, That at the General or Quarter Sessions of the Peace to be holden in every County, Riding, or Division, and in every City, Town, or Place (being a County of itself), in *England* or *Ireland*, next after the Expiration of Three Months after the passing of this Act, or at any General or Quarter Sessions of the Peace to be holden thereafter, on the Application of any Party to such Sessions, an Inquisition shall be taken before the Justices assembled at such General or Quarter Sessions, by the Oaths of Twelve substantial Freeholders of the said respective Counties, Cities, Towns, or Places, having Lands or Tenements to the Value of One hundred Pounds *per Annum* or upwards, to be summoned by the Sheriff or proper Officers of every such County, City, Town, or Place, to inquire into and ascertain the Amount, according to the Standard of Weight or Measure by this Act established, of all Contracts to be performed or Rents to be paid in Grain or Malt or any other Commodity or Thing, or with reference to the Measure or Weight of any such Grain, Malt, or other Commodity or Thing, and the Amount of any Toll, Rate, or Duty heretofore payable according to any Weights and Measures heretofore in use within such Counties, Cities, Towns, or Places respectively; and in taking such Inquisition, Care shall be taken that in every Case in which Grain, Malt, or Meal, or any other Commodity or Thing, having, before the said First Day of *January* One thousand eight hundred and thirty-five, been sold by Weight shall henceforth be sold by Measure, or having before the said First Day of *January* been sold by Measure shall henceforth be sold by Weight, no Increase or Diminution be made in the Amount of any Rate, Toll, or Duty hereafter payable for such Grain, Malt, or any other Commodity or Thing, due Regard being had to the Substitution of Measure for Weight, or of Weight for Measure, as the Case may be; and such Inquisitions, when taken, shall be transmitted by the respective Clerks of the Peace of the same Counties respectively, or by the Mayor, Bailiff, or other Head Officer of every such City, Town, or Place (being a County of itself), into His Majesty's Court of Exchequer at *Westminster* and *Dublin* respectively, and shall be there enrolled of Record, and shall and may be given in Evidence in any Action or Suit at Law or in Equity; and the Amount so to be ascertained shall, when converted into the Standard Weights and Measures, be the Rule of Payment in regard to all such Contracts, Rents, Tolls, Rates, or Duties in all Time coming; and the Costs and Charges of such Inquisitions and the Enrolments thereof shall be paid and defrayed by the Party on whose Application such Requisition shall be taken.

For ascertaining certain Rents, Tolls, &c. payable in Scotland.

XV. And for the Purpose of ascertaining and providing for the Fulfilment of all existing Contracts, and fixing the Payments to be made of all Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever payable in Grain, Malt, or Meal, or any other Commodity or Thing in *Scotland*, or in any other Place or District of the same, according to the Weights and Measures heretofore in use, when such Payments shall not have been already ascertained and fixed by Agreement between Parties, or under the Provisions of the said Act of the Fifth Year of His late Majesty; be it enacted, That the Sheriff in each

Shire in *Scotland* shall, on the Application of any Party to such Sheriff, as soon as conveniently may be after the Expiration of Three Calendar Months from and after the passing of this Act, summon and impanel a Jury, of the same Number and of the same Qualifications which are required in the Jury who strike the Fiar Prices of Grain within the same Shire, to assemble at such Place or Places as he shall find convenient, which Jury shall inquire into and ascertain the Amount, according to the Standards by this Act established, of all such Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever payable in Grain, Malt, Meal, or any other Commodity or Thing, according to the Weights and Measures heretofore in use within the same Shires; and in taking such Inquisition, Care shall be taken that in every Case in which Grain, Malt, or Meal, or any other Commodity or Thing, having, before the First Day of *January* One thousand eight hundred and thirty-five, been sold by Weight shall henceforth be sold by Measure, or having before the said First Day of *January* been sold by Measure shall henceforth be sold by Weight, no Increase or Diminution be made in the Amount of any Stipend, Feu Duty, Rent, Toll, Custom, or Casualty heretofore payable for such Grain, Malt, or any other Commodity or Thing, due Regard being had to the Substitution of Measure for Weight, or of Weight for Measure, as the Case may be; and such Inquisitions, when taken, shall be transmitted by the respective Sheriff Clerks of such Shire into His Majesty's Court of Exchequer at *Edinburgh*, and shall there be enrolled of Record, and shall and may be given in Evidence in any Action at Law; and the Amount so to be ascertained shall, when converted into the Standard Weights and Measures, be the Rule of Payment in regard to all such Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever in all Time coming; and the Costs and Charges of such Inquisitions and the Enrolment thereof shall be assessed and levied, paid and defrayed, by the Party on whose Application such Inquisition shall have been taken.

XVI. And be it enacted, That in *Scotland*, from and after the passing of this Act, the Fiar Prices of all Grain in every County shall be struck by the Imperial Quarter, and all other Returns of the Prices of Grain shall be set forth by the same, without any Reference to any other Measure whatsoever; and that any Sheriff Clerk, Clerk of a Market, or other Person who shall offend against this Provision shall forfeit a Sum not exceeding Five Pounds.

XVII. And be it enacted, That in *England*, at the General or Quarter Sessions of the Peace next after the passing of this Act, the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Three Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions, or Meeting so called as aforesaid, shall determine the Number of Copies of the Imperial Standard Weights and Measures which they shall

Regulation as to Fiar Prices of Commodities in *Scotland*.

Copies of the Imperial Standards to be provided by Order of General or Quarter Sessions in *England*, and by Meetings of Justices in *Scotland*.

deem requisite for the Comparison of all Weights and Measures in use within their respective Jurisdictions, and shall direct that such Copies, verified and stamped at the Exchequer, shall be provided for the Use of the same, and shall fix the Places at which such Copies shall be deposited, and shall appoint a sufficient Number of Inspectors of Weights and Measures for the safe Custody of such Copies, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, such District to be distinguished by a Number or Mark, and shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Magistrates as aforesaid to perform; and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors, as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Royal Burgh of *Scotland* (except such as are County Towns) to provide Copies of the Imperial Standard Weights and Measures, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the Whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expence Copies of the Imperial Standard Weights and Measures to be used within such united District.

Appointment  
of Inspectors.

Extending  
Time for  
Operation of  
Act in Orkney  
and Zetland.

XVIII. ' And whereas by reason of the Difficulty of Communi-  
' cation between the Parts of the Islands of *Orkney* and *Zetland*,  
' it is expedient that further Time should be allowed for bringing  
' this Act into operation in those Islands; be it enacted, That  
this Act shall not take effect in the Islands of *Orkney* and *Zetland*  
before and until the First Day of *May* One thousand eight hun-  
dred and thirty-six, any Part of this or any other Statute notwith-  
standing.

Copies of  
Standards to  
be provided by  
Grand Juries  
in Ireland;

XIX. And be it enacted, That in *Ireland* the Grand Jury of every County, County of a City, or County of a Town shall, at the Assizes, or, where no Assizes are held, at the Presenting Term, next ensuing after the passing of this Act, and so from Time to Time at any subsequent Assizes or Presenting Term, determine the Number of Copies of the Imperial Standard Weights and Measures which they shall deem requisite for the Comparison of all Weights and Measures in use within their Counties, Counties of Cities, or Counties of Towns respectively, and shall direct that such Copies, verified and stamped at the Exchequer, shall be provided for the Use of the same, and shall fix the Places at which such Copies shall be deposited; and shall appoint a sufficient Number of Inspectors of Weights and Measures for the safe Custody of such Copies, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and shall direct what reasonable Remuneration shall be paid to such Inspectors; and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors, from Time to Time as Occasion may require.

and Inspectors  
appointed.



XX. And be it enacted, That in *Ireland* the senior Judge shall, before the Close of the Assizes next ensuing after the passing of this Act, inquire whether One complete Set of such Copies of the Imperial Standard Weights, Measures, and Stamps has been provided in each County, County of a City, or County of a Town; and in every Case in which it shall not appear to him that One Set at least of such Copies has been provided such Judge shall forthwith order the Treasurer of the County, County of a City, or County of a Town to provide One complete Set of such Copies; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure a complete Set of such Copies; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall forfeit the Sum of Fifty Pounds Sterling.

XXI. And be it enacted, That in *England* the Justices of the Peace in General or Quarter Sessions assembled, and in *Scotland* the Justices of the Peace and Magistrates at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County, County of a City, or County of a Town, shall provide for the Use of the Inspectors good and sufficient Stamps for the stamping or sealing Weights and Measures used or to be used in each and every County, Riding, or Division, County of a City or County of a Town, which Stamps so provided shall be taken to be the Stamps for such County, Riding, or Division, County of a City or County of a Town; and that all Weights and Measures whatsoever, except as herein-after excepted, which shall be used for buying and selling, or for the collecting of any Tolls or Duties, or for the making of any Charges on the Conveyance of any Goods or Merchandize, shall be examined and compared with One or more of the Copies of the Imperial Standard Weights and Measures provided under the Authority of this Act for the Purpose of Comparison by such Inspectors, who shall stamp, in such Manner as best to prevent Fraud, such Weights and Measures, when so examined and compared, if found to correspond with the said Copies; and the Fees for such Examination, Comparison, and Stamping shall be according to the Scale contained in the Schedule to this Act annexed; and every Person who shall use any Weight or Measure other than those authorized by this Act, or some aliquot Part thereof as herein-before described, or which has not been so stamped as aforesaid, except as herein-after excepted, or which shall be found light or otherwise unjust, shall, on Conviction, forfeit a Sum not exceeding Five Pounds; and any Contract, Bargain, or Sale made by any such Weights or Measures shall be wholly null and void, and every such light or unjust Weight and Measure so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on Conviction of the Person using or possessing the same, shall be forfeited: Provided always, that nothing herein contained shall extend to require any single Weight above Fifty-six Pounds to be inspected and stamped, such Weight of Fifty-six Pounds being the greatest of the Imperial Standard Weights deposited in the Exchequer; and that nothing herein contained shall extend to require any Wooden or Wicker Measure used in the

Judges to order Copies of Standards in Counties in Ireland when it has not been done by Grand Juries.

Magistrates in England and Scotland and Grand Juries in Ireland to procure Stamps for Inspectors, for stamping all Weights, &c. under this Act.

Penalty on using Weights or Measures not authorized by Act, &c.

No Weight above 56 lbs. to be inspected or stamped.

Sale of Lime, or other Articles of the like Nature, or any Glass or Earthenware Jug or Drinking Cup, though represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, to be stamped; but any Person buying by any Vessel represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, is hereby authorized to require the Contents of such Vessel to be ascertained by a Comparison with a stamped Measure, such stamped Measure to be found and provided by the Person who shall use such Wooden or Wicker Measure, Glass Jug or Drinking Cup as aforesaid; and in case the Person who shall use such last-mentioned Measure or Vessel shall refuse to make such Comparison, or if, upon such Comparison being made, such Wooden or Wicker Measure, Glass Jug or Drinking Cup, shall be found to be deficient in Quantity, the Person who shall use the same shall, on Conviction, be subject to the Forfeitures and Penalties herein-before imposed on any Person using light or unjust Weights or Measures.

Expence of providing Copies of Standard Weights, and the Remuneration to Inspectors, to be defrayed out of County Rate, &c.

XXII. And be it enacted, That the Expence of providing and transmitting such Copies of the Imperial Standard Weights and Measures, and of the Stamps to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in *England* out of the Stock raised in such Counties, Ridings, Divisions, or Counties of Cities; and in *Scotland* such Expences in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, and shall be paid, along with the Land Tax payable in such Shires or Stewartries and Cities or Royal Burghs, to the Collectors of the Land Tax in such Shires or Stewartries and Cities or Royal Burghs respectively; and in *Ireland* such Expences in the respective Counties, Counties of Cities, and Counties of Towns, shall be provided for and paid by Presentments to be made by the Grand Juries on such Counties, Counties of Cities, and Counties of Towns respectively; and the Collectors of Land Tax in *Scotland* shall have such and the same Powers of levying and recovering the Assessments to be made under this Act as are competent to them for levying and recovering the said Land Tax.

No Maker or Seller of Weights or Measures to be appointed Inspector; and Inspectors to enter into Recognizance.

XXIII. And be it enacted, That after the passing of this Act no Maker or Seller of Weights or Measures, or Person employed in the making or selling thereof, shall be appointed an Inspector of Weights and Measures under the Provisions of this Act; and that every Inspector shall forthwith enter into a Bond or Recognizance to the King, to be sued for in any Court of Record, in the Sum of Two hundred Pounds, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment, at such Time or Times as he may be directed by the Justices, Magistrates, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the Stamps and Copies of the Imperial Standard Weights and Measures committed to his Charge, and for their due Restoration and Surrender to such Person or Persons as may be appointed to receive them by the Justices,

Justices, Magistrates, or other Persons aforesaid, immediately on his Removal or other Cessation from Office.

XXIV. And be it enacted, That in *England* the Justices in General or Quarter Sessions assembled, and in *Scotland* the Justices or Magistrates at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County, County of a City, or County of a Town, shall determine and appoint on what Day or Days each and every such Inspector shall attend with the Stamps and Copies of the Imperial Standard Weights and Measures in his Custody at each of the several Market Towns, and at such other Places within their respective Jurisdictions as they shall deem expedient; and every such Inspector so attending shall examine, compare, and stamp, if found correct, all such Weights and Measures as shall be brought to him for that Purpose, and shall also upon all Measures and upon all Weights of a Quarter of a Pound and upwards stamp a Number or Mark distinguishing the District in which he acts, and he shall keep a Book, wherein he shall enter Minutes of all such Comparisons, and give, if required, a Certificate under his Hand of every such Stamping; and every Inspector shall, once in every Quarter of a Year, account to the Treasurer of the County, Riding, Division, County of a City, or County of a Town, or to such other Persons as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer or other Persons as aforesaid, who shall duly account for the same.

XXV. Provided always, and be it enacted, That in the Town of *Berwick-upon-Tweed* and all other Places which have been or shall be hereafter authorized under the Provisions of any Act of Parliament, whether local or otherwise, to appoint Inspectors or Examiners of Weights and Measures, and in all other Places which have been or shall be hereafter by Charter, Act of Parliament, or otherwise, possessed of legal Jurisdiction, and which have been or shall be hereafter provided with Copies of the Imperial Standard Weights and Measures verified and stamped at the Exchequer, it shall be lawful for the Magistrates of such Places, or for any other Persons who may be so authorized as aforesaid, to appoint an Inspector or Inspectors of Weights and Measures within the Limits of their respective Jurisdictions; and such Inspectors so appointed shall, within such Limits exclusively, have the same Powers and discharge the same Duties as the Inspectors of Weights and Measures appointed under this Act by the County Justices or Grand Juries for their respective Counties, and shall account as aforesaid to such Persons as shall be duly authorized by those by whom they may have been appointed for the Amount of the Fees received by them: Provided always, that nothing herein contained shall prevent Inspectors appointed by County Justices or Grand Juries from coming to any Place within the Limits of such other Jurisdiction or Authority as aforesaid, and there inspecting and stamping the Weights and Measures of any Person residing within the District for which such Inspectors may have been appointed; but that any Inspector knowingly stamping any Weight or Measure of any Person residing within the Limits of any local Jurisdiction

Inspectors to attend at Market Towns, when ordered by Justices, &c.

Inspector to pay Fees to Treasurer of County, &c.

Power to Magistrates of Towns, &c. to appoint Inspectors.

Powers of such Inspectors.

Penalty on stamping Weights, &c. out of District.

for which another Inspector may have been legally appointed as aforesaid shall forfeit a Sum not exceeding Twenty Shillings for every Weight or Measure which he may so stamp.

Weighmasters in Ireland to be supplied with Beams and Scales, and accurate Copies.

XXVI. And be it enacted, That in every City or Town not being a County of itself, every Individual or Individuals or Body Corporate in *Ireland* exercising the Privilege of appointing a Weighmaster shall, on or before the First Day of *January* One thousand eight hundred and thirty-six, or within Three Months after the Set of Copies of the Imperial Standard Weights and Measures for the County in which such Right shall be exercised shall have been provided, supply such Weighmaster with accurate Beams and Scales, and with a Set of accurate Copies, in respect of Weight, Capacity, and Length, of the County Set, under a Penalty of Twenty Pounds; and the Accuracy of such Set of Copies shall be certified under the Hand of some Inspector of Weights and Measures; and such Set of Copies shall, for the Purpose of Comparison and Verification, be considered Copies of the Imperial Standard Weights and Measures required by this Act, and shall be used for no other Purpose whatever, under a Penalty of Five Pounds; and once at least in every Five Years, under the like Penalty, the same shall be re-adjusted by some Set of Copies of the Standard Weights and Measures which shall have been verified by the Exchequer Standard.

Weights and Measures once stamped need not be re-stamped.

XXVII. And be it enacted, That no Weight or Measure duly stamped by any Inspector appointed under the Authority of the said Act hereby repealed, or this Act, or by any other Person or Persons legally authorized to examine and stamp any Weights or Measures, shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Weight or Measure throughout the United Kingdom, unless found to be defective or unjust.

Power to Justices and Inspectors to enter Shops and inspect Weights and Measures.

XXVIII. And be it enacted, That in *England* and *Ireland* it shall be lawful for every Justice of the Peace of any County, Riding, or Division, or of any City or Town, and in *Scotland* for every Sheriff, Justice, or Magistrate of any Borough or Town, or for any Inspector authorized in Writing under the Hand of any Justice of the Peace in *England* and *Ireland*, or of any Sheriff, Justice, or Magistrate in *Scotland*, at all reasonable Times to enter any Shop, Store, Warehouse, Stall, Yard, or Place whatsoever within his Jurisdiction, wherein Goods shall be exposed or kept for Sale, or shall be weighed for Conveyance or Carriage, and there to examine all Weights, Measures, Steelyards, or other Weighing Machines, and to compare and try the same with the Copies of the Imperial Standard Weights and Measures required or authorized to be provided under this Act; and if upon such Examination it shall appear that the said Weights or Measures are light or otherwise unjust, the same shall be liable to be seized and forfeited; and the Person or Persons in whose Possession the same shall be found shall, on Conviction, forfeit a Sum not exceeding Five Pounds; and any Person who shall have in his or her Possession a Steelyard or other Weighing Machine which shall on such Examination be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such Examination,

when

when thereto required, all Weights, Measures, Steelyards, or other Weighing Machines which shall be in his or her Possession, or shall otherwise obstruct or hinder such Examination, shall be liable to a like Penalty.

XXIX. And be it enacted, That in case any Inspector of Weights and Measures, or any other Person legally authorized to examine and stamp any Weights or Measures, shall stamp any Weight or Measure without duly verifying the same by Comparison with a Copy of the Imperial Standard, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall, upon Conviction, forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty on Inspector for Neglect of Duty or for Misconduct.

XXX. And be it enacted, That if any Person or Persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, or counterfeiting, any Stamp or Mark now used or which may hereafter be used for the stamping or marking of any Weights or Measures under this Act, shall for every such Offence forfeit, on Conviction, a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, dispose of, or expose to Sale any Weight or Measure with such forged or counterfeit Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit, on Conviction, a Sum not exceeding Ten Pounds or less than Forty Shillings; and that all Weights and Measures with such forged or counterfeited Stamps or Marks shall be forfeited and broken up, and the Proceeds thereof shall be disposed of in the Manner herein-after mentioned.

Penalty for counterfeiting Stamps on Weights and Measures.

XXXI. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six, if any Person or Persons shall print, or if the Clerk of any Market or other Person shall make any Return, Price List, Price Current, or any Journal or other Paper containing Price List or Price Current, in which the Denomination of Weights and Measures quoted or referred to shall denote or imply a greater or less Weight or Measure than is denoted or implied by the same Denomination of the Imperial Weights and Measures under and according to the Provisions of this Act, such Person or Persons or Clerk of the Market shall forfeit and pay any Sum not exceeding Ten Shillings for every Copy of every such Return, Price List, Price Current, Journal, or other Paper which he or they shall publish.

Penalty on making false Returns.

XXXII. And be it enacted, That all Penalties and Forfeitures which shall be incurred under any of the Provisions of the said recited Act of the Fifth Year aforesaid, or this Act, after deducting so much thereof, not exceeding a Moiety, to be paid to the Party on whose Information the Conviction shall take place, as the Justice before whom the Party is convicted shall think fit, shall be paid to the Treasurer of such County, Riding, or Division, County of a City, Corporate Town, or other Place in which they shall be respectively recovered, or to such other Person as shall be duly authorized to receive the same, and be applied to and make Part of the County Stock, or of such other

As to Penalties in England and Ireland.

Funds

Funds as shall be liable, under the Provisions of this or any other Act, to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures; any thing in the said recited Act of the Fifth Year aforesaid to the contrary notwithstanding.

Suing for Penalties.

XXXIII. And be it enacted, That in all Counties, Ridings, or Divisions in *England and Ireland*, all Penalties and Forfeitures under this Act shall be sued for before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place within whose Jurisdiction the Offence shall have been committed; and that the Conviction may be drawn up according to the following Form, or in Words to the like Effect:

Form of Conviction.

‘ **BE** it remembered, That on the Day of  
 ‘ in the Year of our Lord *A.B.* is convicted  
 ‘ before us, Two of His Majesty’s Justices of the Peace [or  
 ‘ before me the Mayor or Chief Magistrate of the  
 ‘ City, Borough, &c. of ] for the [here specify the  
 ‘ Offence, and the Time and Place when and where committed, as  
 ‘ the Case may be], contrary to an Act passed in the  
 ‘ Year of the Reign of King *William* the Fourth, intituled, &c.  
 ‘ [as the Case may be]; and we [or I] do adjudge that the said  
 ‘ *A.B.* hath forfeited for his [or her] said Offence the Sum of  
 ‘ [here insert the Penalty]. Given under our Hands and Seals [or  
 ‘ my Hand and Seal] the Day and Year first above written.’

Recovery of Penalties;

XXXIV. And be it enacted, That in *England and Ireland* all Penalties and Forfeitures inflicted or imposed by this Act may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any Borough, City, Town, or Place within whose Jurisdiction the Offence shall have been committed, on Complaint to them or him for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders, by Warrant under the Hands and Seals of such Justices, or Hand and Seal of such Mayor or other Chief Magistrate, who is and are hereby authorized and required to summon and examine any Witnesses of or concerning such Offence, and to hear and determine the same; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalties or Forfeitures, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the respective Owners of the Goods and Chattels so seized and distrained; and in case any such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for the said Justices, Mayor, or other Chief Magistrate, to order any Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender can give sufficient Security, to the Satisfaction of such Justices, Mayor, or other Chief Officer, for his or her Appearance before the said Justices, or before some other Justices having Jurisdiction, or before such Mayor or other Chief Magistrate, on such Day as shall be appointed for the Return of such Warrant, such Day not being later

by Distress, &c.

later than Eight Days from the Day of taking any such Security, and which Security any such Justices, Mayor, or other Chief Magistrate are and is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs and Expences aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justices, Mayor, or other Chief Magistrate, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods and Chattels whereupon such Penalty or Forfeiture, Costs and Expences, could be levied if a Warrant of Distress were issued, such Justices, Mayor, or other Chief Magistrate shall not be required to issue such Warrant, but in such Case such Justices, Mayor, or other Chief Magistrate is hereby required, by Warrant under their Hands and Seals or his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the County, City, Borough, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, or until such Offender shall have paid such Penalty or Forfeiture, and all Costs and Charges attending the Proceedings (to be ascertained by such Justices, Mayor, or other Chief Magistrate), or shall otherwise be discharged by due Course of Law.

If not sufficient Distress, Offender to be committed to Common Gaol, &c.

XXXV. And be it enacted, That in *England* and *Ireland* all Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may, within Fourteen Days next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the then next ensuing General or Quarter Sessions to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, shall adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Persons aggrieved may appeal to Quarter Sessions.

XXXVI. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ

Proceedings not to be quashed, &c. for Want of Form.

or

or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

As to Penalties  
in Scotland.

XXXVII. And be it enacted, That in *Scotland* all Penalties incurred under the Provisions of this Act or of any of the before-recited Acts shall be recoverable, with Expences, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures in the Place where such Penalties shall be awarded; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expences decerned for, failing Payment, within Fourteen Days after Conviction, by Poinding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

Appeal in  
Scotland to  
Commissioners  
of Justiciary at  
Circuit Court.

XXXVIII. And be it enacted, That in *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff, or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or, where there is no Circuit Court, to the High Court of Justiciary at *Edinburgh*, in the Manner, and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in Scotland*, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expences awarded against him or them by the Sentence or Sentences appealed from, in the Event of the Appeal or Appeals being dismissed, together with any additional Expences which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or in any other Way other than as herein provided.

20 G. 2. c. 43.

Limitation of  
Actions, &c.

XXXIX. And be it enacted, That in all Actions brought against any Person for any thing done in pursuance of this Act, or in the Execution of the Powers or Authorities thereof, such Action shall



shall be laid and brought in the County within which the Cause of Action shall have arisen; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or that such Action shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

XL. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall commit such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

XLI. And be it enacted, That an Act passed in the Parliament of Ireland in the Fourth Year of Queen Anne, intituled *An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight*, and another Act passed in the Parliament of the United Kingdom of Great Britain and Ireland in the Fifth Year of His late Majesty King George the Fourth, intituled *An Act for the Indemnity of Magistrates in Proceedings against Persons using unlawful Weights in Ireland*, shall be and they are hereby repealed, except in so far as they relate to the Appointment, Duties, and Remuneration of Weighmasters.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall interfere with the Powers of the Ward Inquests in respect to Weights and Measures within the City of London and Liberties thereof, and the Borough of Southwark, nor prohibit, defeat, injure, or lessen the Right of the Mayor and Commonalty and Citizens of the City of London, or of the Lord Mayor of the said City for the Time being, with respect to the stamping or sealing Weights and Measures, or concerning the Office of Gauger of Wines, Oils, Honey, and other gaugeable Liquors imported and landed within the City of London and Liberties thereof.

Plaintiff not to recover after Tender of Amends.

4 Anne (I.) and 5 G. 4. c. 110. repealed, except so far as relate to Duties, &c. of Weighmasters.

Powers of Ward Inquests in London, &c. not to be interfered with.

Rights of the Founders Company reserved.

Saving the Rights of the Universities of Oxford and Cambridge.

Not to abridge the Power of the Leet Jury, &c.

Act may be amended, &c.

XLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights granted by Charter to the Master, Wardens, and Commonalty of the Mystery of Founders of the City of *London*.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights or Privileges of either of the Universities of *Oxford* or *Cambridge*, but that the Custody of the Assize, Assay, and Overlooking of Weights and Measures in the City of *Oxford* and its Suburbs, and in the Town of *Cambridge*, shall continue as heretofore and be in the Chancellor, Vice Chancellor, or his Deputy, of the said Universities respectively; and that the Chancellor, Vice Chancellor, or his Deputy, of each of the said Universities for the Time being, and none other, shall have the Power, and is or are hereby authorized, as Occasion may require, to appoint in and for the said City and Suburbs, and in and for the said Town respectively, an Inspector or Inspectors of Weights and Measures, and shall have full Power and Authority to perform and execute all such Matters and Things as are required or are granted to Justices of the Peace of any County, City, Town, or other Jurisdiction in *England* and *Wales*, under the Provisions of this Act, or by any or either of the said recited Acts; and every such Inspector is hereby authorized and empowered to put in force and execute all such Powers and Provisions as are by this Act, or by any or either of the said recited Acts, granted to or required of any Inspector or Inspectors of Weights and Measures appointed as aforesaid by the Justices of the Peace in Quarter Sessions assembled.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to supersede, limit, take away, lessen, or prevent the Authority which any Person or Persons, Bodies Politic or Corporate, or any Person appointed at any Court Leet for any Hundred or Manor, or any Jury or Ward Inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights, Balances, or Measures within their respective Jurisdictions, or the Power given by any Act or Acts now in force to Justices or other Authorities to appoint Examiners for the Inspection of Weights and Measures.

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

SCHEDULE OF FEES to be taken by all INSPECTORS of WEIGHTS and MEASURES appointed under the Authority of this Act.

For examining, comparing, and stamping all Brass Weights, within their respective Jurisdictions:

	<i>s.</i>	<i>d.</i>
Each Half Hundred Weight -	0	9
Each Quarter of a Hundred Weight -	0	6
Each Stone - - - - -	0	4
		<b>Each</b>

Each Weight under a Stone to a Pound } inclusive - - - - - }	s. d. 0 1
Each Weight under a Pound - - - - -	0 0½
Each Set of Weights of a Pound and under	0 2

For examining, comparing, and stamping all Iron Weights, or Weights of other Descriptions not made of Brass, within their respective Jurisdictions :

Each Half Hundred Weight - - - - -	s. d. 0 3
Each Quarter of a Hundred Weight - - - - -	0 2
Each Stone - - - - -	0 1
Each Weight under a Stone - - - - -	0 0½
Each Set of Weights of a Pound and under	0 2

For examining, comparing, and stamping all Wooden Measures, within their respective Jurisdictions :

Each Bushel - - - - -	s. d. 0 3
Each Half Bushel - - - - -	0 2
Each Peck, and all under - - - - -	0 1
Each Yard - - - - -	0 0½

For examining, comparing, and stamping all Measures of Capacity of Liquids, made of Copper or other Metal, within their respective Jurisdictions :

Each Five Gallon - - - - -	s. d. 1 0
Each Four Gallon - - - - -	0 9
Each Three Gallon - - - - -	0 6
Each Two Gallon - - - - -	0 4
Each Gallon - - - - -	0 2
Each Half Gallon - - - - -	0 1
Each Quart, and under - - - - -	0 0½

#### C A P. LXIV.

An Act to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.

[9th September 1835.]

‘ **W**HEREAS it is expedient that all Deeds, Bonds, or other Instruments made in *Ireland* for the Purpose of submitting Matters in dispute to Arbitration, and all Awards thereupon, should be exempted from Stamp Duty;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Deeds, Bonds, Agreements, or other Instruments made and executed in *Ireland*, whereby any Person or Persons shall become bound or agree to submit any Matter in dispute to Arbitration, and also all Awards made in pursuance of any such Submission as aforesaid, shall be and the same are hereby exempted from all Stamp Duty whatsoever.

II. ‘ And whereas under and by virtue of the Laws in force in *Great Britain* and *Ireland* respectively Policies of Assurance or Insurance,

Agreements to submit to Arbitration and Awards made in *Ireland* exempted from Stamp Duty.

Stamp Duty in *Great Britain* and *Ireland* on Insurance,

Policies of Insurance on Lives not exceeding 100*l.* repealed.

‘ Insurance, whereby Insurances are made upon Lives, are chargeable with certain Stamp Duties: And whereas it is expedient to reduce the Stamp Duties chargeable on all such Policies where the Sum insured shall not exceed One hundred Pounds;’ be it therefore enacted, That from and after the passing of this Act all Stamp Duties now payable under any Act or Acts in force in *Great Britain* and *Ireland* respectively upon any Policy of Assurance or Insurance or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Life or Lives, or upon any Event or Contingency relating to or depending upon any Life or Lives, where the Sum insured shall not exceed One hundred Pounds, shall respectively cease and determine, and shall be and the same are hereby repealed.

Reduced Duties upon Policies of Insurance on Lives not exceeding 100*l.*

III. And be it enacted, That from and after the Commencement of this Act, in lieu and instead of the Duties upon Policies of Assurance or Insurance hereby repealed, there shall be raised, levied, collected, and paid in *Great Britain* and *Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, the several Stamp Duties or Sums of Money following; (that is to say,)

For and upon 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 Life or Lives, or upon any Event or Contingency relating to or depending upon any Life or Lives:

Where the Sum insured shall not exceed Fifty Pounds, the Stamp Duty or Sum of Two Shillings and Sixpence:

And where it shall exceed Fifty Pounds and not exceed One hundred Pounds, the Stamp Duty or Sum of Five Shillings.

Commissioners of the Treasury authorized to compound with the East India Company for the Stamp Duties on India Bonds.

IV. ‘ And whereas it is expedient that the Bonds to be made and issued by the *East India* Company for the Payment of any definite and certain Sum of Money should be freed and exempted from all Stamp Duties upon Payment by the said Company of an annual Sum as a Composition for and in lieu of such Duties, in the Manner herein-after mentioned;’ be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty’s Treasury for the Time being, or any Three or more of them, from Time to Time to compound and agree with the *East India* Company for the Payment by the said Company of such an annual Sum of Money as the said Commissioners shall deem to be a reasonable Composition for and in lieu of the Stamp Duties which would otherwise be payable on such Bonds as aforesaid, to be made and issued by the said Company at any Time during the Term for which such Composition shall be made; which said Sum of Money so agreed upon shall be paid to the Receiver General of Stamps and Taxes by Two equal half-yearly Payments on such Days in every Year during the said Term as the said Commissioners shall appoint for that Purpose, and the Payment thereof accordingly shall be secured by the Bond of the said Company, which is hereby exempted from Stamp Duty; and every such

Com-

Composition shall be made either for One Year or for any Term not exceeding Five Years, at the Discretion of the said Commissioners, and may be renewed and continued from Time to Time for any further Term not exceeding as aforesaid, and for the Payment of the same or any greater or less annual Sum as the said Commissioners shall deem to be reasonable; and upon such Composition being agreed upon and secured in manner aforesaid, all the Bonds for the Payment of any definite and certain Sum or Sums of Money which shall be made and issued by the said Company during the Term for which such Composition shall be made, renewed, or continued shall be and the same are hereby freed and exempted from all Stamp Duties.

V. 'And whereas under and by virtue of the Laws in force in *Great Britain* the Transfer of any Share in the Stock and Funds of the *East India Company*, whether upon a Sale or otherwise, is subject to a Stamp Duty of One Pound Ten Shillings: And whereas a Portion of the Territorial Debt of the said Company in *India* may be transferred from the Books of the Company in *India* to their Books in *England*, and may be transferrable in such last-mentioned Books in the same Manner as the Stock and Funds of the said Company commonly called *East India Stock* are now transferrable; and it is expedient that all Transfers of the said Territorial Debt which may be made in *England* should be subject only to the same Amount of Stamp Duty as Transfers of Shares in the Stock and Funds of the said Company called *East India Stock* are now subject to as aforesaid;' be it therefore enacted, That from and after the passing of this Act every Transfer of any Part of the said Territorial Debt in the Books of the said Company in *England*, whether upon a Sale thereof or otherwise, shall be chargeable with a Stamp Duty of One Pound Ten Shillings and no more.

Transfers in England of the Territorial Debt of the East India Company to be chargeable with a Stamp Duty of 30s. only.

VI. 'And whereas under and by virtue of the Laws in force in *Great Britain* and *Ireland* respectively Letters or Powers of Attorney are chargeable with certain Stamp Duties, and it is expedient to exempt from such Duties the Letters or Powers of Attorney herein-after mentioned;' be it therefore enacted, That from and after the passing of this Act all Letters or Powers of Attorney for voting on any Election of a Director or Directors of the *East India Company* shall be and the same are hereby exempted from all Stamp Duties whatsoever.

Letters of Attorney for voting on the Election of East India Directors exempted from Stamp Duty.

VII. 'And whereas under and by virtue of the Laws in force every Admission of any Person to be a Member of either of the Four Inns of Court in *England* is chargeable with a Stamp Duty of Twenty-five Pounds, and it is expedient to exempt Persons who may be admitted in more than One of the said Inns of Court from the Stamp Duty payable on the latter of such Admissions;' be it therefore enacted, That from and after the passing of this Act, where any Person who is or shall be admitted a Member of any one of the said Inns of Court shall afterwards be admitted a Member of any other of the said Inns of Court, the latter Admission shall be free of Duty, provided he shall have paid the proper Stamp Duty on his former Admission, according to the Laws then in force.

Members of any one of the Four Inns of Court may be admitted in any other of the said Inns free of Duty.

4 & 5 W. 4. c. 54.  
 The Time for  
 giving Notice  
 of Intention  
 to compound  
 for Assessed  
 Taxes enlarged  
 until the  
 1st Oct. 1835.

VIII. ' And whereas by an Act passed in the last Session of  
 ' Parliament, intituled *An Act to continue for Five Years, from the*  
 ' *Fifth Day of April One thousand eight hundred and thirty-five,*  
 ' *and to amend, the Acts for authorizing a Composition for Assessed*  
 ' *Taxes, Persons who had compounded for certain of the Duties*  
 ' *of Assessed Taxes under the Acts therein referred to were*  
 ' *authorized to continue their former Compositions for a further*  
 ' *Term, and Persons who had not so compounded were autho-*  
 ' *rized to compound for the same Duties for the Term and in*  
 ' *the Manner and on the Conditions in the said Act mentioned*  
 ' *or referred to, provided that such Persons respectively should*  
 ' *give Notice of their Intention so to continue their former Com-*  
 ' *positions or to compound on or before the Fifth Day of April*  
 ' *One thousand eight hundred and thirty-five in England, and*  
 ' *on or before the Term of Whitsunday in the same Year in Scot-*  
 ' *land, in the Manner in the said Act prescribed; and it is expe-*  
 ' *dient to enlarge the Periods for compounding under the said*  
 ' *Act; be it therefore enacted, That the several Periods limited*  
 ' *by the said last-recited Act for giving any such Notice as afore-*  
 ' *said in England and Scotland respectively shall be and the same*  
 ' *are hereby extended until the First Day of October One thousand*  
 ' *eight hundred and thirty-five inclusive; and the respective Sur-*  
 ' *veyors to whom such Notices have been or shall be delivered*  
 ' *within the Period limited by this Act shall diligently inquire into*  
 ' *and examine such Notices, and certify their Assent or Objection*  
 ' *thereto at any Time within One Calendar Month next after the*  
 ' *Delivery thereof respectively, or at the furthest within One*  
 ' *Calendar Month next after the said First Day of October; and*  
 ' *the respective Commissioners acting in the Execution of the said*  
 ' *Acts are hereby authorized and required to enter into Composi-*  
 ' *tion with such Persons respectively who have given or shall*  
 ' *within the Period limited by this Act give such Notices as afore-*  
 ' *said, subject to the Rules, Regulations, and according to the*  
 ' *Provisions of the said recited Act, in like Manner as if such*  
 ' *Notices had been delivered within the Time limited by the said*  
 ' *recited Act, provided the Contracts of such Compositions respec-*  
 ' *tively shall be executed by the said Commissioners and the*  
 ' *Party compounding on or before the First Day of December One*  
 ' *thousand eight hundred and thirty-five; and which Contracts of*  
 ' *Compositions when executed by the said Commissioners, or any*  
 ' *Two or more of them, and by the Party aforesaid, in the Manner*  
 ' *by the said recited Act directed, shall be of the like Force and*  
 ' *Effect, and subject to the like Powers and Conditions for Pay-*  
 ' *ment, to all Intents as if the said Compositions had been entered*  
 ' *into under the Directions of the said recited Act: Provided*  
 ' *always, that upon every Contract of Composition executed as*  
 ' *aforesaid after the First Day of October One thousand eight*  
 ' *hundred and thirty-five there shall be paid One Moiety of the*  
 ' *annual Amount payable under the same within Ten Days next*  
 ' *after the Date of such Contract.*

Composition on  
 Four-wheel  
 Carriages drawn  
 by One Horse

IX. ' And whereas Doubts have arisen whether Persons are  
 ' entitled to compound under the said last-recited Act for the  
 ' Duties on Carriages with Four Wheels and drawn by One  
 ' Horse

‘ Horse only;’ for removing such Doubts be it enacted and declared, That it shall be lawful for any Person keeping any Carriage of the Description aforesaid to compound for the Duties on all such Carriages under the said last-recited Act; and that all Contracts of Composition which have been made or entered into, or which within the Time limited by this Act may be made or entered into, under and in conformity with the Provisions of the said recited Act and of this Act, for or in respect of the Duties on any Carriages of the Description aforesaid, shall be and the same are hereby declared to be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons who have compounded or shall compound for the Duty on any such Carriage shall be at liberty also to set up, keep, and use a Carriage with Four Wheels drawn by Two or more Horses, on Payment of the Difference of Duty, and the Per-centage thereon, in like Manner, and under and subject to the same Conditions, Rules, and Regulations, as Persons who have compounded for a Two-wheel Carriage are by the Laws in force entitled, to set up, keep, and use a Carriage with Four Wheels.

only declared  
valid.

X. ‘ And whereas the Revenues arising from the Duties of Stamps and the Land and Assessed Taxes in *Great Britain* are now under the Care and Management of One Consolidated Board of Commissioners of Stamps and Taxes, and it would facilitate the Collection of the Land and Assessed Taxes in *Scotland*, and tend to reduce the Expence of receiving and remitting that Branch of the Public Revenue, if the several Distributors and Sub-Distributors of Stamps or other Persons employed in the Receipt and Collection of the Stamp Duties in *Scotland* were also appointed Collectors of the Land and Assessed Taxes; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty’s Treasury, or any Three or more of them, to appoint such and so many of the Distributors and Sub-Distributors of Stamps in *Scotland*, or such other Persons as the said Commissioners may think fit, to be Collectors or other Officers for collecting and receiving the Land Tax and Assessed Taxes in *Scotland*, and for such Parts of *Scotland* and with such Salaries and Allowances as the said Commissioners of His Majesty’s Treasury shall think fit, and such Persons shall hold their respective Offices during the Will and Pleasure of the said Commissioners of His Majesty’s Treasury or of the Commissioners of Stamps and Taxes, in such Manner as the said Commissioners of His Majesty’s Treasury shall direct; and such Persons shall in all Matters and Things relating to the Execution of their Duties be subject to the Authority, Directions, and Control of the Commissioners of His Majesty’s Treasury and the Commissioners of Stamps and Taxes, and shall obey such Orders and Instructions as shall from Time to Time be issued to them by the said Commissioners respectively: Provided always, that the Land Tax Commissioners and Commissioners for putting in execution the Assessed Tax Acts in *Scotland* shall have no Power or Authority whatever to appoint Persons to collect the said Land Tax and Assessed Taxes, or to remove, or call to account or examine, or enforce Payment of Balances due by the Persons appointed by

Commissioners  
of the Treasury  
authorized to  
appoint Dis-  
tributors and  
Sub-Distri-  
butors of Stamps  
to be Collectors  
of the Land and  
Assessed Taxes  
in *Scotland*.

Proviso.

virtue of this Act, any thing in any Act or Acts contained to the contrary notwithstanding: Provided also, that if any Persons other than the Distributors and Sub-Distributors of Stamps in *Scotland* shall be appointed as aforesaid to be Collectors or other Officers as aforesaid, then the Names of such Persons, with their respective Salaries and Allowances, shall be laid by the said Commissioners of His Majesty's Treasury before Parliament within Twenty-one Days after the Commencement of the Session of Parliament which shall next follow every such Appointment.

Such Collectors,  
&c. to give  
Security.

XI. And be it enacted, That the Collectors and other Officers to be appointed as aforesaid shall, before they shall act in the Execution of their respective Offices, give Security by Bond to His Majesty, His Heirs and Successors, to such an Amount and in such Terms as the Commissioners of Stamps and Taxes shall think fit, and with sufficient Sureties to the Satisfaction of the said Commissioners.

Bonds, Com-  
missions, &c.  
under this Act  
to be free from  
Stamp Duty  
and Fees.

XII. And be it enacted, That all Bonds, Bills, and Securities whatsoever to be entered into with or given by the Collectors to be appointed under the Provisions of this Act, or their respective Sureties, with relation to the said Duties of Land and Assessed Taxes respectively, shall be free from all Stamp Duty whatever; and no Collector appointed under this Act as aforesaid shall in any Case be liable to or charged with any Stamp Duty, Fee, or Gratuity on his Commission, Warrant, or other Instrument to be obtained or had, either on his first Appointment or any renewed or succeeding Appointment to be such Collector as aforesaid under this Act, nor to any Fee or Gratuity for any Matter or Thing incident to the Execution of his Office, or for auditing or passing his Accounts, either in His Majesty's Treasury or the Office for Taxes, or any other Office.

43 G. 3. c. 150.  
Land Tax in  
Scotland to be  
collected and  
paid under the  
same Rules as  
the Assessed  
Taxes.

XIII. ' And whereas by an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the said Acts, so far as the same relate to that Part of Great Britain called Scotland*, it is enacted, that the Land Tax in *Scotland* shall be assessed, raised, levied, and paid under the Regulations of the last-recited Act; and it is expedient to alter the said Enactment; be it therefore enacted, That the Land Tax in *Scotland* shall be recovered, levied, collected, and paid under the same Rules, Regulations, Provisions, and Penalties as the Assessed Taxes in *Scotland* now are or may hereafter be recovered, levied, collected, and paid; any thing in the said last-recited Act or any other Act or Acts contained to the contrary thereof in anywise notwithstanding.

44 G. 3. c. 98.

XIV. ' And whereas by an Act passed in the Forty-fourth Year of the Reign of King *George* the Third, intituled *An Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof*, a Duty of Two Pounds and Two Shillings, over and above all other Duties, was granted and is now payable in *Great Britain* for every Horse, Mare, or Gelding entered to start or run for

' any



any Plate, Prize, Sum of Money, or other Thing whatsoever: And whereas certain Duties of Assessed Taxes, amounting to the Sum of One Pound Eight Shillings and Nine-pence, have also been granted and are now payable in Great Britain under Schedule (E.), Number Three, of Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of the said King George the Third, for every Horse, Mare, or Gelding kept for the Purpose of racing or running for any Plate, Prize, or Sum of Money, or other Thing, or kept in training for any of the said Purposes: And whereas the said several Duties of Two Pounds Two Shillings and One Pound Eight Shillings and Nine-pence are respectively levied and collected by different Officers and under different Rules and Regulations, and it would give Relief to the Persons chargeable therewith, and tend to facilitate the Collection thereof, if the same were reduced in Amount, and assessed and levied in One Sum, in the Manner herein-after mentioned; be it therefore enacted, That from and after the passing of this Act the said several Duties of Two Pounds Two Shillings and One Pound Eight Shillings and Nine-pence granted and now payable as aforesaid under and by virtue of the said several Acts hereinbefore recited or referred to shall be and the same are hereby severally repealed, save and except as to any Arrears of the said respective Duties, and any Penalties incurred in relation thereto, all which said Arrears and Penalties may be sued for, recovered, levied, and applied in the same Manner as if this Act had not been passed.

48 G. 3. c. 55.  
and 52 G. 3.  
c. 93. Sched.  
(E.) No. 3.

Repeal of the Duties granted by the recited Acts on Race Horses.

XV. And be it enacted, That for and in lieu of the said several Duties by this Act repealed as last aforesaid there shall be granted and payable upon all Assessments made or to be made for any Year commencing from or at any Time after the Fifth Day of April One thousand eight hundred and thirty-five, for every Horse, Mare, or Gelding kept or used for the Purpose of racing or running for any Plate, Prize, or Sum of Money, or other Thing, or kept in training for any of the said Purposes, whether in the Stables of the Proprietor or Proprietors or of any other Person or Persons, the annual Sum of Three Pounds Ten Shillings, which shall be charged on the Person or Persons having the Custody, Care, or Management of any such Horse, Mare, or Gelding, and shall be assessed, collected, levied, and applied in like Manner, and under the same Provisions, Rules, and Regulations, as the Duties granted and now payable under Schedule (E.) of the said Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of King George the Third are now assessed, collected, levied, and applied.

Duty of 3l. 10s. per Annum to be charged on Race Horses, in lieu of former Duties.

XVI. And whereas by an Act passed in the last Session of Parliament, intituled *An Act to grant Relief from the Duties of Assessed Taxes in certain Cases*, Exemption from Duty for One Horse, Mare, Gelding, or Mule kept and used for the Purpose of riding or drawing any Carriage not chargeable with Duty was granted to every Person occupying a Farm or Estate of less annual Rent or Value than in the said Act is specified, under and subject to the Provisoes and Conditions therein mentioned: And whereas Doubts have arisen as to the Persons entitled to

Exemption granted to Farmers from the Duty on One riding Horse by 4 & 5 W. 4. c. 73. explained and amended.

‘ the Relief intended to be granted under the said Exemption;’ for the Removal whereof be it enacted and declared, That so far as relates to any Assessment of the Duties of Assessed Taxes made or to be made for any Year commencing from or at any Time after the Fifth Day of *April* One thousand eight hundred and thirty-five the said Exemption shall be deemed and construed to extend only to such Occupiers of Farms or Estates under the Rent or Value in the said Act specified as obtain their Livelihood principally by Husbandry on such Farms or Estates in their respective Occupation, under and subject, nevertheless, to the several Provisoes and Conditions in the said recited Act contained.

Exemption granted to certain Officers by 52 G. S. c. 93. Sched. (C.) for One Male Servant, being a Soldier, extended to such Number of Servants, being Soldiers, as may be allowed to each Officer by the Regulations of the Service.

XVII. ‘ And whereas under and by virtue of an Act passed in ‘ Fifty-second Year of the Reign of King *George* the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, Exemption from the ‘ Duties payable for Male Servants retained or employed in the ‘ several Capacities mentioned in Schedule (C.), Numbers One ‘ and Two, to the said Act annexed, is granted to the several ‘ Officers herein-after described, every such Officer retaining or ‘ employing as a Servant One Male Person only; (that is to say,) ‘ to every Officer serving in any Regiment of Horse or Dragoons ‘ under the Rank or not receiving the Pay of a Field Officer, ‘ for One Servant, being actually a Soldier in the Regiment, ‘ Troop, or Squadron to which such Officer shall belong; and to ‘ every Officer serving in any Regiment of Artillery, Infantry, ‘ Royal Marines, Royal Garrison Battalions, or Corps of Engineers, for One Servant, being actually a Soldier in the Regiment or Company to which such Officer shall belong: And ‘ whereas it is expedient to extend the said Exemption in the ‘ Manner herein-after mentioned;’ be it therefore enacted, That upon all Assessments made or to be made for any Year commencing from or at any Time after the Fifth Day of *April* One thousand eight hundred and thirty-five the said Exemption shall be and the same is hereby extended and granted to all Officers serving in any Regiment of Horse or Dragoons, or in any Regiment of Artillery, Infantry, Royal Marines, Royal Garrison Battalions, or Corps of Engineers, for so many Male Servants, being such Soldiers as aforesaid, as may be allowed to them respectively by the Regulations of the Public Service, in whatever Capacity any such Soldier may be employed, and without regard to any other Male Servants retained or kept by any such Officer, and for which he may be liable to be assessed: Provided always, that all such Servants shall be duly returned to the Assessor and the Exemption claimed in manner aforesaid.

### C A P. LXV.

An Act for preventing the Publication of Lectures without Consent. [9th *September* 1835.]

‘ **W**HEREAS Printers, Publishers, and other Persons have ‘ frequently taken the Liberty of printing and publishing ‘ Lectures delivered upon divers Subjects, without the Consent ‘ of

' of the Authors of such Lectures, or the Persons delivering the same in public, to the great Detriment of such Authors and Lecturers: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *September* One thousand eight hundred and thirty-five the Author of any Lecture or Lectures, or the Person to whom he hath sold or otherwise conveyed the Copy thereof, in order to deliver the same in any School, Seminary, Institution, or other Place, or for any other Purpose, shall have the sole Right and Liberty of printing and publishing such Lecture or Lectures; and that if any Person shall, by taking down the same in Short Hand or otherwise in Writing, or in any other Way, obtain or make a Copy of such Lecture or Lectures, and shall print or lithograph or otherwise copy and publish the same, or cause the same to be printed, lithographed, or otherwise copied and published, without Leave of the Author thereof, or of the Person to whom the Author thereof hath sold or otherwise conveyed the same, and every Person who, knowing the same to have been printed or copied and published without such Consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such Lecture or Lectures, shall forfeit such printed or otherwise copied Lecture or Lectures, or Parts thereof, together with One Penny for every Sheet thereof which shall be found in his Custody, either printed, lithographed, or copied, or printing, lithographing, or copying, published or exposed to sale, contrary to the true Intent and Meaning of this Act, the one Moiety thereof to His Majesty, His Heirs or Successors, and the other Moiety thereof to any Person who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in *Westminster*, by Action of Debt, Bill, Plaint, or Information, in which no Wager of Law, *Essoign*, Privilege, or Protection, or more than One *Imparlance*, shall be allowed.

II. And be it further enacted, That any Printer or Publisher of any Newspaper who shall, without such Leave as aforesaid, print and publish in such Newspaper any Lecture or Lectures, shall be deemed and taken to be a Person printing and publishing without Leave within the Provisions of this Act, and liable to the aforesaid Forfeitures and Penalties in respect of such printing and publishing.

III. And be it further enacted, That no Person allowed for certain Fee and Reward, or otherwise, to attend and be present at any Lecture delivered in any Place, shall be deemed and taken to be licensed or to have Leave to print, copy, and publish such Lectures only because of having Leave to attend such Lecture or Lectures.

IV. Provided always, That nothing in this Act shall extend to prohibit any Person from printing, copying, and publishing any Lecture or Lectures which have or shall have been printed and published with Leave of the Authors thereof or their Assignees, and whereof the Time hath or shall have expired within which the sole Right to print and publish the same is given by an Act passed in the Eighth Year of the Reign of Queen *Anne*, intituled

Authors of Lectures, or their Assigns, to have the sole Right of publishing them.

Penalty on other Persons publishing, &c. Lectures without Leave.

Penalty on Printers, &c. of Newspapers.

Persons having Leave to attend Lectures not to publish them.

Lectures may be published after Expiration of Copyright.

8 Ann. c. 19.

*An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned, and by another Act passed in the Fifty-fourth Year of the Reign of King George the Third, intituled*

54 G. 3. c. 156.

*An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns, or to any Lectures which have been printed or published before the passing of this Act.*

Act not to extend to Lectures delivered in unlicensed Places, &c.

V. Provided further, That nothing in this Act shall extend to any Lecture or Lectures, or the printing, copying, or publishing any Lecture or Lectures, or Parts thereof, of the delivering of which Notice in Writing shall not have been given to Two Justices living within Five Miles from the Place where such Lecture or Lectures shall be delivered Two Days at the least before delivering the same, or to any Lecture or Lectures delivered in any University or public School or College, or on any public Foundation, or by any Individual in virtue of or according to any Gift, Endowment, or Foundation; and that the Law relating thereto shall remain the same as if this Act had not been passed.

## C A P. LXVI.

An Act to amend the Law relating to the Customs.

[9th September 1835.]

3 &amp; 4 W. 4. c. 56.

‘ WHEREAS an Act was passed in the Third and Fourth Years of His present Majesty, intituled *An Act for granting Duties of Customs*; and it is expedient to alter and amend the same in manner herein-after provided:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, instead of the Duties now payable under the said Act upon Coffee the Produce of the *British Possessions* within the Limits of the *East India Company’s Charter*, and imported from such Possessions, and upon Coffee the Produce of *Sierra Leone*, and imported from thence, there shall be paid for every Pound of such Coffee a Duty of Sixpence; and instead of the Duty now payable under the said Act upon rough Rice or Paddy, the Produce of the West Coast of *Africa*, imported from a *British Possession* on that Coast, there shall be paid for every Bushel of such Rice a Duty of One Penny; and that for every Hundred Weight of Pearl or Pot Ashes of Foreign Production imported from a *British Possession* in *Europe* there shall be paid a Duty of Six Shillings; any thing in the said Act permitting such Ashes to be so imported Duty-free to the contrary notwithstanding.

Regulating the Duty on Coffee and the other Articles herein mentioned.

Regulating the Entry of Coffee the Produce of *British Possessions* in the *East Indies*.

II. And be it further enacted, That no Coffee shall be entered as being the Produce of any *British Possession* within 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

believed to be true) by the Shipper of such Coffee, that the same was really and *bond fide* the Produce of some such *British* Possession, nor unless such Master shall 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.

III. And be it further enacted, That the Duties imposed by this Act shall be raised, levied, collected, and paid unto His Majesty in like Manner as if such Duties had been imposed by the said former Act, and had been set forth in the Table of Duties thereunto annexed.

How Duties to be collected.

IV. ' And whereas by another Act passed in the said Third and Fourth Years of His Majesty's Reign, intituled *An Act for the warehousing of Goods*, it is provided that Damage occasioned by Embezzlement, Waste, Spoil, or Destruction of any Goods or Merchandize warehoused in Warehouses under the Authority of the said Act, by or through any wilful Misconduct of any Officer or Officers of Customs or Excise, shall be repaid and made good to the Importer, Consignee, or Proprietor, by the Commissioners of Customs or Excise, under such Orders, Regulations, and Directions as shall be for that Purpose made and given by the Commissioners of His Majesty's Treasury, or any Three of them; and it is expedient to amend the said Act in this respect; ' be it therefore enacted, That nothing in the said Act contained shall extend or be deemed or taken to extend to any Damage or Loss occasioned by Fire.

Proviso in 3 & 4 W. 4. c 56., as to Damage done to Goods warehoused, not to extend to Damage by Fire.

## C A P. LXVII.

An Act for the Improvement of the Navigation of the River *Shannon*. [9th September 1835.]

' **W**HEREAS the Improvement of the Navigation of the River *Shannon*, from its Source in *Lough Allen* in the County of *Leitrim* to the Mouth of the said River, will contribute to the general Prosperity, Commerce, Agriculture, and Revenue of *Ireland*, and also tend to the Advantage and Improvement of the respective Counties and Districts adjoining such Navigation: And whereas certain Surveys have been made under the Direction of the Lord Lieutenant of *Ireland*, whereby it appears that the whole Course of the said River, embracing Two hundred and thirty-two Miles of continuous Navigation, may be improved and thrown open and rendered effectually navigable by the Execution of divers proposed Works; and it is expedient that the necessary Works should be executed under the Direction of the Commissioners for the Promotion and Extension of Public Works in *Ireland*, and the Control and Conservation of such Navigation vested in them; and that the Expenditure attendant upon the Improvement of the said Navigation shall in the first instance (when the Plans, Estimates, and Specifications for the proposed Works, together with the Conditions under which such Works shall be proposed to be executed, shall have been submitted to and approved of by Parliament,)

‘ Parliament,) be defrayed out of the Public Revenue, and that  
 ‘ one Moiety of the Sum so advanced shall be a free Grant for  
 ‘ the Improvement of such Navigation, and the other Moiety  
 ‘ repaid by Twelve half-yearly Instalments out of the Surplus of  
 ‘ the Produce of such Tolls as may accrue from the said Navi-  
 ‘ gation, after defraying the Expences of maintaining the said  
 ‘ Navigation; and in case the Surplus of such Tolls should prove  
 ‘ insufficient in any Year to pay the annual Instalment then due,  
 ‘ that the Deficit shall be made good by a local Rate or Assess-  
 ‘ ment upon the Counties and Districts adjoining such Navigation  
 ‘ and benefited by the Improvement thereof, in such Shares and  
 ‘ Proportions as may be fixed and established in manner herein-  
 ‘ after mentioned, according to the particular Extent of Benefit  
 ‘ arising out of such Improvement of the said Navigation to each  
 ‘ of the said Counties and Districts respectively: And whereas  
 ‘ it is expedient, with a view to the Improvement of the said  
 ‘ Navigation in the most judicious, effectual, and economical  
 ‘ Manner, that the Works necessary to be executed for that Pur-  
 ‘ pose should be previously ascertained, and an Estimate made  
 ‘ of the Expence attendant thereon, and of the Sum required to  
 ‘ be paid for the Compensation of the several Persons possessed  
 ‘ of any Right of Fishery or other Right in anywise injured or  
 ‘ prejudiced by the said proposed Works, and for the Purchase  
 ‘ of any Lands or Tenements required to be taken for the Erec-  
 ‘ tion of Wharfs, Piers, Landing Places, or other Purposes con-  
 ‘ nected with the said Navigation:’ Be it therefore enacted by  
 the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That it shall and may be lawful for the Lords Commis-  
 sioners of His Majesty’s Treasury, or any Three or more of them,  
 by Warrant under their Hands, to constitute and appoint Three  
 or more Persons to be Commissioners for the Purpose of ascer-  
 taining the Works necessary to be executed for the Improvement  
 of the said Navigation, and making an Estimate of the Expence  
 thereof, and inquiring into and determining the Proportions in  
 which the several Counties and Districts adjacent to such Navi-  
 gation and benefited by the Improvement thereof should con-  
 tribute towards making good the Proportion of such Expence  
 which may, in defect of the surplus Tolls arising from such Navi-  
 gation being adequate to that Purpose as herein-before men-  
 tioned, fall upon such Counties and Districts, and for the other  
 Purposes of this Act.

Lords of Treas-  
 ury may  
 appoint Com-  
 missioners for  
 carrying this  
 Act into exe-  
 cution.

Commissioners  
 appointed shall  
 swear duly to  
 execute the  
 Trusts com-  
 mitted to them.

II. And be it enacted, That the said Commissioners so to be  
 appointed under this Act shall each of them, previously to his  
 entering upon the Execution of such Commission, take an Oath  
 before one of the Justices or Barons of one of His Majesty’s Su-  
 perior Courts of Record at *Dublin* (which Oath they are hereby  
 respectively authorized to administer) of the Tenor herein-after  
 following; (that is to say,

‘ I *A.B.* do swear, That I will faithfully and impartially, ac-  
 ‘ cording to the best of my Judgment, execute the several  
 ‘ Powers and Trusts vested in me by an Act, intituled [*here set*  
 ‘ out the Title of this Act].’

III. And

III. And be it enacted, That the said Commissioners may meet and sit from Time to Time in such Place or Places as they shall find most convenient, with or without Adjournment; and that all Acts, Matters, and Things which the said Commissioners for the Execution of this Act are by this Act authorized to do or execute may be done and executed by any Three or more of them; and that they shall and may, with the Consent and Approbation of the said Lords Commissioners of the Treasury, employ such Officers as they may find necessary, and that all and every the Persons so employed in any such Capacity may from Time to Time be dismissed at the Pleasure of the said Commissioners, and any other Person or Persons, with the like Consent and Approbation, appointed in his or their Stead.

Commissioners may meet from Time to Time, and employ the necessary Officers.

IV. And be it enacted, That the several Surveys, Maps, and Plans heretofore made, under the Direction of the Lord Lieutenant of *Ireland*, of the said Navigation, and all other Papers and Documents relating to the same and material to the Purposes of this Act, shall be delivered to the said Commissioners to be appointed under this Act, and that they shall take the same into their Consideration, and cause such other Surveys, Maps, Plans, and Sections as they shall find necessary to be made, and inquire into and ascertain, by the Examination of Witnesses and all such other Ways and Means as they shall think proper, the most effectual and judicious Mode of improving the said Navigation and of opening and clearing the said River *Shannon* from its Source to the Sea, and of carrying into execution all such Works as they shall find necessary in relation thereto; and shall likewise ascertain the proper and convenient Places for the Formation of such Havens, Piers, Wharfs, and Landing Places as they shall think necessary, distinguishing such of them as ought to form Part of the Works to be undertaken in pursuance of this Act under the Direction of the said Commissioners for the Promotion and Extension of Public Works in *Ireland*, and such of them as may be conveniently left to individual Enterprise; and, having made such Inquiry, the said Commissioners for the Execution of this Act shall, if necessary, make out a Plan and Estimate, with proper Plans, Maps, Drawings, and Sections, and Elevations thereto attached, showing and describing the said Navigation and the several Works proper in their Judgment to be executed for the clearing and improving the same, and for confining the Waters thereof, and preventing the Inundation of the contiguous Lands, and the proper Places for the Erection of Toll Houses; and it shall be lawful for the said Lords Commissioners of the Treasury from Time to Time to give such Orders and Directions as they shall think proper, defining the Duties of the said Commissioners for the Execution of this Act in respect of such Matters, and the Extent of their Inquiries; and the said Commissioners for the Execution of this Act shall obey and observe all such Orders and Directions as aforesaid which shall from Time to Time be signified to them by the said Lords Commissioners of the Treasury.

Commissioners to arrange the Mode of improving the *Shannon*, and prepare Plans, &c. to be laid before the Treasury.

V. And be it enacted, That for the Purposes of such Survey and Inquiry, or any other of the Purposes of this Act, it shall and may be lawful for the said Commissioners for the Execution

Commissioners may enter Lands, &c. for the Purposes of this Act.

of this Act, by themselves, their Surveyors, Engineers, Agents, Officers, and Workmen, to enter upon any Lands or Premises being near or contiguous to the said River *Shannon*, or any of the Rivers or Streams connected therewith, and, if necessary, to dig or bore therein; and that for the Purposes aforesaid it shall be in like Manner lawful for the said Commissioners for the Execution of this Act, their Surveyors, Engineers, Agents, Officers, and Workmen, to raise and examine any Weir, Sluice, or Flood Gate erected in or upon the said River *Shannon* or any other of the Rivers or Streams aforesaid, and to make any Soundings, or bore the Bed or Channel of any Part of the said River *Shannon*, or of any Rivers or Streams, or Mill Course or Dam connected therewith, in what Person, Company, or Corporation ~~sever~~ the Navigation, Control, Direction, or Property in such River or Stream, or Mill Course or Dam, may be in anywise vested.

Commissioners  
to prepare a  
Schedule of  
Lands, &c. to  
be taken for  
the Purposes  
of this Act,  
which shall be  
left open for  
Inspection at  
certain Places,  
and Notice  
given thereof.

VI. And be it enacted, That the said Commissioners for the Execution of this Act, having ascertained and determined upon the Works proper in their Judgment to be executed for the Purpose of improving and completing the said Navigation, shall prepare a Schedule, with such Maps and Plans thereto attached as may be necessary, showing and describing the Lands, Tenements, or Hereditaments required to be taken for the Purposes of this Act, and the Mills, Weirs, Fisheries or other Rights or Franchises, so far as they may be known to the said Commissioners, liable to be anywise injuriously affected by the proposed Works, and shall cause Copies thereof to be made and deposited in such and so many convenient Places in the Vicinity of such Navigation, and of the Premises mentioned in such Schedule, as they shall think proper, there to remain open to public Inspection at all reasonable Times for Three successive Weeks, and shall cause Notices of the Place or Places where the same may be deposited to be posted in the usual Places for posting Grand Jury Notices in each adjacent Barony or Half Barony, and shall also cause a like Notice to be inserted once in each Week for Three successive Weeks in the *Dublin Gazette*, and in some One or more Newspapers circulating in the Neighbourhood of such Navigation; and the said Commissioners shall also cause a Notice in Writing to be delivered to or left at the usual Place of Abode of the Owners or Occupiers or reputed Owners or Occupiers (where the same may be known to the said Commissioners) of all such Lands, Tenements, and Hereditaments, Mills, Weirs, Fisheries, or other Rights or Franchises required to be taken for or liable to be injuriously affected by the said proposed Works, requiring such Owners and Occupiers to prefer their respective Claims before the said Commissioners for the Value of such Property, or the Compensation to be allowed for any Prejudice or Injury resulting thereto from such Works.

Commissioners  
to adjudicate  
upon Claims  
for Damages,  
&c. arising  
under the  
Execution of  
this Act.

VII. And be it enacted, That any Person having or claiming to have any Right, Title, or Interest in or to any Lands, Tenements, or Hereditaments, Mill, Weir, Fishery, or other Right or Franchise liable to be in anywise injured or damaged by the said proposed Works, or required to be taken for the Purposes thereof, whether the same shall be included in the said Schedule or otherwise, shall and may, within such Time and in such Manner



Manner and Form as the said Commissioners for the Execution of this Act shall by some general Rules to be by them framed and published notify and appoint, apply to the said Commissioners, stating the Value of their respective Properties, and claiming the same, or the Compensation to be allowed for any Injury or Damage resulting or which may result thereto from such Works ; and the said Commissioners shall proceed, in the Manner prescribed by such general Rules to be by them established as aforesaid, to inquire into and adjudicate upon such Claims, and shall, after due Inquiry and Examination, assess and declare the Value of the several Lands, Tenements, or Hereditaments required to be purchased for the Purposes of the said Works so proposed to be executed for the Improvement and Completion of the said Navigation, and the Amount of Compensation to be allowed to the Owners of any Mill, Weir, Fishery, or other Right or Franchise of what Nature soever, necessary to be extinguished or liable to be anywise injuriously affected by such Works, and shall fix such Value or Compensation as of an Estate in Fee Simple or the absolute and entire Estate and Interest therein, without specifying the Person or Persons entitled to or interested therein, or the Value of their respective Shares and Interest, or the Amount of Compensation due to them severally ; and having ascertained and declared the Value of such Lands, Tenements, or Hereditaments, and the Amount of such Compensation in each such Case as aforesaid, the said Commissioners for the Execution of this Act shall by public Advertisement and otherwise, as the said Lords Commissioners of the Treasury shall direct, notify and appoint a Time and Place for the Confirmation of their said Award and Adjudication, and shall attend at such Time and Place, and shall thereat or at some Adjournment therefrom proceed in open Court to declare such Award and Adjudication on each Case, and hear all such Objections which may be offered thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and finally settle each such Award and Adjudication accordingly.

VIII. And be it enacted, That at some Time previous to the said Court so to be holden by the said Commissioners for the Execution of this Act, they shall, by all such Ways and Means as they shall think necessary, inquire into and ascertain the several Counties, or Parts of Counties, through or near to which the said Navigation may pass, and which are likely to derive Benefit from the said Navigation being improved and thrown open, or from any Work proposed to be executed by the said Commissioners, and shall ascertain and determine the Proportions in which such Benefit is likely to accrue to such Counties or Parts of Counties respectively ; and in case they should find that any particular Lands are likely to derive peculiar Benefit from the Waters of such Navigation being confined to their natural Channel, so as to relieve such Lands from Inundation, or are likely to derive peculiar Benefit from any other proposed Work, the said Commissioners shall assign the particular Share or Proportion of Benefit likely to accrue to such Lands ; and having so fixed and ascertained such Proportions as aforesaid, the said

Commissioners shall adjudicate upon the Proportions of Expence to be borne by the Counties, &c. benefited under this Act.

Commissioners

Commissioners shall, at such open Court to be holden as aforesaid, proceed to declare such Proportions, and hear all such proper and pertinent Evidence as shall be offered to them in reference thereto, and finally award and adjudicate upon such Proportions.

Commissioners authorized to take Examinations on Oath.

IX. And be it further enacted, That the said Commissioners for the Execution of this Act may examine upon Oath or Affirmation (which Oath or Affirmation they or any One or Two of them are and is hereby authorized to administer) all Persons who shall appear before them to be examined as Witnesses touching any Matters or Things which may be depending, or touching any Questions which may arise in the Execution of the Powers vested in the said Commissioners by this Act, and may also receive any Affidavits or Depositions in Writing, upon Oath or Affirmation, touching such Matters or Things as aforesaid, which shall be made before any Justice of the Peace of any County or Shire, or any Magistrate of any Borough or Town Corporate in *Great Britain* or *Ireland*, where or near which the Person making such Affidavit or Deposition shall reside, or before any Judge of any of His Majesty's Superior Courts at *Westminster* or *Dublin*, and certified and transmitted to the said Commissioners under the Hand and Seal of such Justice or Magistrate or Judge respectively (and which Oath or Affirmation every such Justice or Magistrate shall be and is hereby authorized and empowered to administer); provided, that in every such Affidavit or Deposition there shall be expressed the Addition of the Party making such Affidavit or Deposition and the particular Place of his or her Abode.

Commissioners may compel the Attendance and Examination of Witnesses.

X. And be it further enacted, That the said Commissioners for the Execution of this Act shall be and are hereby authorized by a Summons under their Hands, or under the Hands of any Three of them, to require the Attendance before them, by a Time to be in such Summons for that Purpose limited, of any Person or Persons competent, or whom such Commissioners may have Reason to believe to be competent, to give Evidence upon any Question or Matter depending before them touching or concerning the said Navigation, or the Value of the Premises required to be taken for the Purposes thereof, or the Amount of any Compensation as aforesaid; and if any Person upon whom any such Summons shall be served by the actual Delivery thereof to him or her, or by the leaving thereof at his or her usual Place of Abode, shall, without reasonable Cause to be allowed by such Commissioners, fail to appear before them at the Time and Place in such Summons for that Purpose mentioned, or so appearing shall refuse to be sworn or to make his or her solemn Affirmation, as the Case may be, or having been so sworn, or having made such Affirmation, shall not make Answer to any such Questions as may by the said Commissioners be proposed to him or her touching any Matter or Thing depending before them under the Provisions of this Act, or shall refuse or fail to produce and exhibit to the said Commissioners any such Papers and Documents relating to any Question, Matter, or Thing depending before such Commissioners as shall by them be called for or required, every such Person shall for such his Default, Refusal,

or

or Neglect as aforesaid incur and become liable to all such Fines and Penalties, Prosecutions, Civil Suits, or Actions as any Person may by Law incur or become liable to for Default of Appearance or for refusing to be sworn or to give Evidence upon any Issue joined in any Action depending in His Majesty's Court of King's Bench; and the said Commissioners shall have all such and the same Powers, Jurisdiction, and Authority for imposing and causing to be levied and recovered any such Fines and Penalties as aforesaid as are by Law vested in any of the Judges of the said Court for imposing or causing to be levied and recovered any Fines or Penalties incurred by any Person failing to appear as a Witness, or refusing to be sworn and to give Evidence in the Trial of any Action before any such Judges or Judge.

XI. And be it further enacted, That if any Person or Persons, upon Examination on Oath or Affirmation before the said Commissioners respectively, or if any Person or Persons making any such Affidavit or Deposition as before mentioned, shall wilfully and corruptly give false Evidence, or shall in such Affirmation, Affidavit, or Deposition wilfully or corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, every such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to the Pains and Penalties of Persons convicted of wilful and corrupt Perjury by any Law in force at the Time of such Perjury being committed.

XII. And be it enacted, That the said Commissioners shall, with all convenient Speed after the Completion of the several Duties herein-before appointed to be executed by them under this Act, prepare a Plan, Estimate, and Specification, with proper Maps and Schedules thereto attached, of the several Works proper in their Judgment to be executed for the Improvement and Completion of the said Navigation, and the Erection of Toll Houses thereon, and the Expence of executing such Works and erecting such Toll Houses, including and distinguishing the Sums required to be paid for the Purchase of Premises required for the Purposes of the said Navigation, and to be paid as Compensation, and shall also form such Plan as they may think advisable for the levying and collecting proper Tolls (stating the Amount thereof) upon the said Navigation for the Maintenance of the same, and for the Repayment of the Moiety of the Advances to be made as herein-before recited for the Improvement and Completion of the said Navigation, and shall transmit such Plans, Maps, Specifications, Estimates, Awards, and Adjudications, and Plan for Tolls, to the said Commissioners of His Majesty's Treasury, together with a Report on such Matters concerning the Improvement of such Navigation, and the State of the same, as the said Lords Commissioners shall direct; and the said Lords Commissioners shall, on the Receipt thereof, lay all such Documents before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, such Documents shall be laid before the said Two Houses within Fourteen Days after the Commencement of the then next Session of Parliament.

Penalties for swearing falsely before Commissioners, &c.

Commissioners shall transmit all Documents connected with the Execution of this Act to Lords of Treasury, who shall cause the same to be laid before Parliament.

## C A P. LXVIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quarter-masters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-six.

[9th September 1835.]

[*This Act is the same, except as to Dates and the Sections here inserted, as 4 & 5 W. 4. c. 63.*]

‘ **W**HEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expences of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*; and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied; and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia, who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem* :

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem* :

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence *per Diem* :

For each Serjeant, having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem* :

For each Serjeant doing the Duty of Quartermaster Serjeant, One Shilling and Tenpence *per Diem* :

For each Serjeant, One Shilling and Sixpence *per Diem* :

For each Drum Major until reduced, One Shilling and Sixpence *per Diem* :

For each Drummer until reduced, One Shilling *per Diem* :

Provided always, that when any Serjeant Major, Serjeant, Drum Major, or Drummer shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively :

Rates of Pay when absent on Furlough.

And

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

And also at the Rate of One Penny *per* Month for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

II. And be it further enacted, That every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Depôt of the Corps to which they belong may be ordered to be stationed, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

III. And be it further enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores kept at the Depôt under the Superintendance of the Colonel or Commandant; and shall out of the Allowance of One Penny *per* Month for each Private Man, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Clothing.

Contingent Fund.

Adjutant, &amp;c. to reside where the Arms of the Corps are kept.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expences on an Order signed by the Colonel; and the Balance to form a Stock Purse.

In Absence of the Adjutant, the Serjeants, &c. to be under the Command of the Serjeant Major.

Allowance to be made for Medicines.

Adjutants appointed before 24 Dec. 1814 to receive after a Service of Twenty Years, if unfit for further Service, an Allowance of 8s. per Day ;

provided they do not hold certain other Appointments.

IV. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Arms of any Corps of Militia when disembodied are kept, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant ; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

XIX. And be it further enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training ; and also an Allowance of Two-pence *per Week* for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers and Drummers while such Regiment is not called out for Training and Exercise.

XX. And be it further enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces, or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem* : Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty or any other Government ; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases His Majesty's Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War ; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit

under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmary rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, herein-before prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

XXXII. And be it further enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire of any such House, and of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior

Adjutants appointed since 24 Dec. 1814, entitled to receive, after Thirty Years Service, &c. an Allowance of 6s. per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

Expence of House for depositing Arms and Stores of the Militia in *Ireland*, &c. to be defrayed by the County.

Provision as to Amount of Rent.

Commissioners of Chelsea Hospital may assign certain Rates of Pension to discharged Serjeants, &c. of Militia.

to the First Day of the presenting Term: Provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

XXXIII. ' And whereas the Drum Majors and Drummers, and a Proportion of the Serjeants on the disembodied Staff of the Militia of the United Kingdom, are to be reduced in pursuance of an Act passed in the present Session of Parliament; be it further enacted, That it shall be lawful for the Commissioners of *Chelsea* Hospital to place on the Out-Pension List any Serjeants, Drum Majors, or Drummers discharged in consequence of such Reduction who shall have served Twenty Years consecutively in the embodied Militia and on the disembodied Staff, and to assign to them, although not disabled, the Rates of Pension to which they would be entitled if disabled; provided that no Service in the Rank of Drummer previous to the Age of Sixteen, or in any other Rank previous to the Age of Eighteen, shall be included in the said Twenty Years: Provided also, that in Cases of long and meritorious Service, not coming in every Respect within the above Description, it shall be lawful for the said Commissioners, upon His Majesty's Pleasure being signified to them through the Secretary at War, to grant to such reduced Serjeant, Drum Major, or Drummer such Rate of Pension as His Majesty shall be pleased to direct, not exceeding the Rate of the Militia Pension for Disability: Provided always, that no Pension granted on the Reduction herein-before mentioned shall be issued for a Period during which the Serjeant, Drum Major, or Drummer shall be receiving Pay in the Militia.

### C A P. LXIX.

An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in *England* and *Wales*. [9th September 1835.]

' **W**HEREAS there are certain legal Difficulties attending the Title, Purchase, Sale and Disposal of Property, which, with respect to Workhouses and other Property belonging to Parishes, Incorporations, or Unions, it is expedient to remove; and it is also expedient to simplify the Assurances for the Conveyance, Exchange, or Transfer of such Property: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of the King's Majesty's Woods, Forests, and Land Revenues, by and with the Consent in Writing of the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, and for His Majesty, by any Grant signed by the Chancellor of the Duchy of *Lancaster*, and for the Duke of *Cornwall*, by any Grant signed by the Chancellor of that Duchy, to grant, and for the Guardians and Overseers of the Poor of any Parish or Union of Parishes, under the Direction and with the Approbation of the Poor Law Commissioners for *England* and *Wales* (to be testified by Order under their Hands and Seal), and

Powers for Corporations and Persons under Disability to convey Lands, &c. for the Purposes of this Act.



for any Lay or Ecclesiastical Corporation, Aggregate or Sole, and for any Feoffees or Trustees to charitable or other Uses, and for any Person beneficially seised or entitled in Possession as Tenant in Fee Simple, or in Fee Tail, General or Special, or for his own Life, or for Years determinable on his own Life, (such Estate for Life or Years not being subject to any Rent,) or for any Term of Years in gross whereof not less than Four hundred shall be unexpired, and subject to no Equity of Redemption or Rent, except a nominal Rent, and for any married Woman entitled or interested as aforesaid to her separate Use, and for the Guardian, Trustee, Husband, or Committee of any Person so seised or entitled who shall be an Infant, married Woman (not separately entitled), Idiot, Lunatic, or under any other Disability, to dispose of, by way of absolute Sale, or in Exchange for any Messuages, Lands, or other Hereditaments, any Lands or Buildings for the Purpose of the same being used as or converted into a Workhouse, or of being used as the Site of a Workhouse, or of being occupied with a Workhouse, or for any other Purpose relating to the Relief of the Poor which the said Poor Law Commissioners may approve of, with the Rights and Appurtenances, and to convey the same and the Fee Simple and Inheritance thereof unto the Guardians or Overseers of any Union or Parish and their Successors, or in such other Manner as the said Poor Law Commissioners may direct, and to accept from and give to such Guardians or Overseers any Monies by way of Equality of Exchange.

II. And with regard to the Application of Money paid for the Purchase or on the Exchange of Hereditaments of Persons under Disability; be it enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, or to any Trustee, Guardian, or Committee for or on behalf of any Infant, Ward, Lunatic, Idiot, married Woman, or other Person under Disability, or to any Person whose Lands shall be limited in Settlement, for the Purchase or Exchange of Hereditaments as aforesaid, shall, in case the same shall exceed the Sum of Fifty Pounds, and there shall be no Person capable of giving a sufficient Discharge for the same, be paid by the said Guardians and Overseers into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed in his Account to the Credit of the Party who shall be so interested in the said Hereditaments, describing them, subject to the Order of the said Court of Exchequer; which said Court, on the Petition of or Motion on behalf of any Corporation or Person making claim to any such Money, is hereby empowered to order summarily the Investment of such Money in the Purchase of Real Estates, to be settled to the same Uses and upon the same Trusts as the Lands so sold were previously subject to, or in the Public Funds, and the Distribution of the Rents and Dividends thereof respectively, according to the respective Interests of the Claimants thereof, and to make such other Order in the Premises as to the Court shall seem reasonable; and the Cashier of the Bank of *England* who shall receive such Money shall give a Receipt to the Party paying the same, specifying for what the same is received, which Receipt shall be to all Intents and Purposes a

Investment  
of Purchase  
Money to the  
same Uses as  
the Estates sold  
were subject to.

Parties in Possession to be deemed entitled.

sufficient Discharge; and upon such Receipt being given it shall be lawful for the said Poor Law Commissioners, by Order under their Hands and Seals, to direct that the said Hereditaments so purchased by such Guardians or Overseers shall be appropriated for the Purposes of this Act; and in case of Doubts or Questions of Title to any Money paid into the Bank of *England* by virtue of this Act, or the Securities on which the same may be invested, or the Dividends or Interest thereof, the Corporation or Person who shall have been in the Possession of such Hereditaments, Interests, or Incumbrances at the Time of such Purchase, and Persons claiming under them, shall be deemed and taken to be lawfully entitled to such Hereditaments, Interests, or Incumbrances, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Securities and Principal and Interest Monies shall be applied and disposed of accordingly; and in case of such Purchase, Payment into the Bank of *England*, and Application to the Court of Exchequer as aforesaid, it shall be lawful for the said Court to order the Expences attending such Purchase, Payment, or Application, or any Part thereof, to be paid by such Guardians or Overseers, who shall accordingly pay the same as and when the said Court shall direct, and the Money so paid shall be a Charge on the Poor Rates of such Parish or such Union, as the Case may be.

Court of Exchequer may order Payment of Expences.

Power to Overseers and Guardians of the Poor to sell, purchase, and dispose of Workhouses, &c.

III. And in order to ensure the due Application of the Property of Parishes and Unions, be it enacted, That it shall be lawful for the Guardians of any Parish or Union, and for the Overseers of any Parish not under the Management of a Board of Guardians, and for the Guardians or Trustees, Guardian or Trustee of any dissolved Union, or the Person or Persons who were the Guardians or Trustees, Guardian or Trustee of any dissolved Union at the Time of its Dissolution, or a Majority of such Guardians, Trustees, or Persons, if more than One, with the Approbation, and subject to the Rules, Orders, and Regulations, of the Poor Law Commissioners, to sell, exchange, let, or otherwise to dispose of any Workhouses, Tenements, Buildings, Land, Effects, or other Property belonging to any such Parish or Union, or vested in Trustees or Feoffees in Trust for such Parish or Union, or for the Parishioners, Rate-payers, or Inhabitants thereof, or which belong or did belong to any dissolved Union, and every and any Part of such Property, and to convey, assign, or transfer the same accordingly to the Purchasers or Parties exchanging, as they shall direct; and, in case of a Sale, to apply the Produce arising therefrom (after deducting the reasonable Expences thereof) towards the Purchase or building of any Workhouse, or as or in part of the Proportion of such Parish or Union towards the Expence of any Workhouse erected, purchased, or provided on behalf of such Parish or Union, or as a Loan to the Board of Guardians of such Union, upon the Security of the Rates, for the Purpose of erecting a Workhouse, or in Liquidation of any Debt contracted by such Parish or Union or dissolved Union, or in such other Manner for the permanent Advantage of such Parish or Union or dissolved Union as the said Poor Law Commissioners may approve; and in case of an Exchange, the Hereditaments to be taken in exchange shall be conveyed to the Guardians of such Parish

Parish or Union, or the Overseers of such Parish, upon the same Trusts, and the Rents and Profits thereof shall be applied to the same Purposes, as the Hereditaments given in exchange were held, and the Rents and Profits thereof would have been applicable under the Provisions of the Law or of this Act if the same Hereditaments had not been exchanged; and it shall be lawful for the said Poor Law Commissioners to direct the Mode and Proportions on Parishes in which any Money required for the Purchase of any such Property shall be raised, paid, and secured, and also to direct the Mode in which the Persons by whom and the Objects relating to the Management of the Poor to which the Rents, Profits, beneficial Occupation, or Income of such Property shall be applied, assigned, or distributed; and wheresoever the Workhouse or Workhouses of any Parish in any Union may have become or shall hereafter become convertible to the common Use of such Union, it shall be lawful for the said Poor Law Commissioners to direct such an annual Sum, in the Nature of Rent or other Compensation, to be paid to such Parish out of the common Fund of the Union, and to vary the Amount of such annual Sum or Compensation from Time to Time as they the said Poor Law Commissioners shall see fit: Provided always, that no such Sale or Exchange or letting of any Workhouses, Tenements, Buildings, or Land of any Parish shall take place except with the Consent of a Majority of the Rate-payers of such Parish, and of the Owners of Property therein, entitled to vote under and by virtue of the Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, assembled at a Meeting to be duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Meeting shall have been given in like Manner as Notices of Vestry Meetings are published and given, such Majority to be ascertained in manner provided by the said Act: Provided also, that every Sale and Exchange or Lease of any such Workhouse, Tenements, Buildings, Land, or other Property, which may have been made before the passing of this Act, with the Consent or Approbation in Writing of the said Poor Law Commissioners, shall be as valid and effectual as if the same had been directed by their Order under the Authority of this Act; and that any Monies or Rents which have become or shall become payable in respect of any such Sale, Exchange, or Lease, and have not been applied, shall be applied in the same Manner as such Monies or Rents would have been applicable if such Sale or Exchange or Lease had been made under this Act.

IV. And be it further enacted, That all the Powers and Authorities in and by an Act passed in the Twenty-second Year of the Reign of King *George the Third*, intituled *An Act for the better Relief and Employment of the Poor*, given to Guardians of the Poor for or relating to the inclosing of any Part or Portion of Waste or Common Land as therein mentioned; and all Powers and Authorities in and by an Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act to amend the Laws for the Relief of the Poor*, given to Churchwardens and Overseers of the Poor

4 &amp; 5 W. 4. c. 76.

Power to  
Overseers, &c.  
extended to  
Guardians, &c.  
22 G. 3. c. 83.

59 G. 3. c. 12.

Poor

Poor for taking Land or Ground into their Hands, and for purchasing, hiring, and taking on Lease any Land; and all the Powers and Authorities contained in an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third for the Relief and Employment of the Poor*; and in a certain other Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of poor Persons residing in the Parish in which such Crown Land shall be situate*; and in a certain other Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers*; shall in future be exercised (under the Control, and subject to the Rules, Orders, and Regulations of the Poor Law Commissioners,) by the Overseers of the Poor in any Parish not under the Management of a Board of Guardians, and by the Guardians of the Poor of any Union or Parish formed or established by virtue of any Statute or Local Act; and all the aforesaid Powers and Authorities relating to the inclosing, purchasing, hiring, or taking any Waste, Common, or other Land, for the Purpose or Purposes in the said Acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said Overseers and Guardians for the Purpose of being used as the Site of a Workhouse, or of being occupied with a Workhouse, or for any other of the Purposes of the said recited Act passed in the Fourth and Fifth Years of the Reign of His present Majesty.

Powers given to Justices to deliver Possession of Parish Houses, &c. to Churchwardens and Overseers, extended to Property of Unions, &c.

V. And be it further enacted, That the Powers and Authorities given by the said Act of the Fifty-ninth Year of King *George the Third*, and by the said Act of the Second Year of the present Reign, to Justices of the Peace to cause Possession of Parish Houses and Lands and Portions of Land to be delivered to the Churchwardens and Overseers of the Poor, and any other auxiliary Powers or Provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such Justices in respect of any Houses and Lands and Portions of Land which are or may be vested in or under the Management or Control of the Guardians of the Poor of any Union or Parish, in the same Manner as if the Name of those Officers had been inserted in the said Acts instead of the Names of the Churchwardens and Overseers of the Poor.

Mode of Conveyance.

VI. And, for simplifying the Instruments of Assurance of Property under this Act, be it enacted, That every Conveyance, Exchange, Security, or Assignment of Security, under the Authority of this Act, may be made according to the Forms set forth in the Schedule annexed, or in such other Forms as the said Poor Law Commissioners shall direct, or as near thereto as the Number of Parties, the Nature of the Interests, and the Circumstances of the Case will admit, and shall, when executed by the conveying Parties, be valid and effectual in the Law, without Livery of Seisin being made, or any Bargain and Sale to vest Possession being executed; and that every Conveyance, Exchange,

Approval of the Poor Law Commissioners.

Exchange.

change, Security, Transfer of Security, or Instrument made under the Authority of this Act, shall, when signed by the conveying Parties thereto, be transmitted to the said Poor Law Commissioners, who shall, if they shall approve thereof, signify such Approval by sealing or stamping the same with their Seal; and for preserving Evidence of such Instruments the said Commissioners shall keep a Register, properly indexed, in which they shall insert Copies or Memorials of such Deeds or Instruments of which they shall so approve, and of such Orders of Appropriation of Property as are herein-before mentioned; and all such Copies or Memorials, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Commissioners, shall be received as Evidence of the Instruments respectively of which they purport to be Copies or Memorials.

VII. And, for the more easy Execution of the Purposes of this Act, and of the Laws relating to the Poor, be it enacted, That the Guardians of the Poor of every Union already formed or which hereafter shall be formed by virtue of the aforesaid Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, and of every Parish placed under the Control of a Board of Guardians by virtue of the said Act, shall respectively from the Day of their first Meeting as a Board become or be deemed to have become, and they and their Successors in Office shall for ever continue to be, for all the Purposes of this Act, a Corporation, by the Name of the Guardians of the Poor of the Union (or of the Parish of ) in the County of ; and as such Corporation the said Guardians are hereby empowered to accept, take, and hold, for the Benefit of such Union or Parish, any Buildings, Lands, or Hereditaments, Goods, Effects, or other Property, and may use a Common Seal; and they are further empowered by that Name to bring Actions, to prefer Indictments, and to sue and be sued, and to take or resist all other Proceedings for or in relation to any such Property, or any Bonds, Contracts, Securities, or Instruments given or to be given to them in virtue of their Office; and in every such Action and Indictment relating to any such Property it shall be sufficient to lay or state the Property to be that of the Guardians of the

Union, or of the Parish of ; and in case of any Addition to or Separation of any Parishes from any such Union, under the Authority of the said Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, the Board of Guardians for the Time being shall (notwithstanding such Alteration) have and enjoy the same Corporate Existence, Property, and Privileges as the Board of Guardians of the original Union would have had and enjoyed had it remained unaltered.

VIII. And be it enacted, That all Buildings, Lands, or Hereditaments, Goods, Effects, or other Property, which, before the passing of this Act, may have been conveyed, with the Consent or under the Directions of the said Poor Law Commissioners, to any Persons in Trust for and for the Use of any Union or Parishes, shall, without any further Act, vest in the Guardians thereof as such Corporation, in the same Manner as if the same respectively had been conveyed to or vested in them under the Provisions of this Act.

Guardians  
incorporated.

Previous Sales  
made with the  
Consent of the  
Commissioners  
to be valid.

IX. And

Interpretation  
Clause.

IX. And in the Interpretation of this Act, be it enacted, That wherever in this Act, in describing any Person or Party, Matter or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, and several Matters or Things as well as one Matter or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction; and the Words and Expressions "General Rule," "Guardian," "Justice or Justices of the Peace," "Orders and Regulations," "Overseers," "Owners of Property," "Parish," "Person," "Poor," "Poor Rate," "Union," "Vestry," and "Workhouse," shall bear and be construed to have the same Signification as the same Words and Expressions are declared to have in the said Act of the Fourth and Fifth Years of the present Reign, for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*.

## SCHEDULE to which this Act refers.

*Form of Conveyance.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That *A. B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to him [*or into the Bank of*] by *C. D.* of \_\_\_\_\_ doth grant and convey [*or demise or assign, proper Words of Conveyance to be used,*] all, &c. [*the Property to be aptly described*], and all the Right, Title, and Interest of the said *A. B.* in and to the same and every Part thereof, unto and to be holden by the said *C. D.*, his Heirs and Assigns. In witness whereof the said *A. B.* and *C. D.* have hereunto set their Hands and Seals.

Witness *E. F.**A. B.* (L. s.)*C. D.* (L. s.)

Approved and registered the \_\_\_\_\_ Day of \_\_\_\_\_ .

*Form of Exchange.*

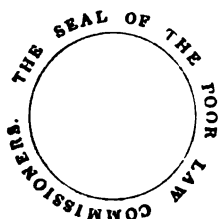
THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of the Act*], and under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales, testified by their Seal

Seal being hereunto affixed, witnesseth, That *A. B.* of doth grant and convey unto *C. D.* of all [*the Property to be aptly described*], in exchange for the Hereditaments herein-after conveyed, to the Intent that the said Hereditaments above conveyed may be held and enjoyed by the said *C. D.*, and the Person or Persons who for the Time being would have been entitled to the Hereditaments herein-after conveyed, if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments herein-after conveyed now are or may be or but for this present Exchange would have been subject or liable to: And this Deed further witnesseth, That in pursuance of the said Act, and under the said Direction [*or Approbation*], the said *C. D.* doth grant and convey unto the said *A. B.* all [*the Property to be aptly described*], in lieu of and in exchange for the Hereditaments firstly herein-before conveyed, to the Intent that the Hereditaments lastly herein-before conveyed may be held and enjoyed by the said *A. B.*, and the Person or Persons who for the Time being would have been entitled to the Hereditaments firstly herein-before conveyed if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments now or may be or but for this present Exchange would have been subject or liable to. In witness whereof the said *A. B.* and *C. D.* have hereunto set their Hands and Seals.

Witness *E. F.*

*A. B.* (L. S.)

*C. D.* (L. S.)



Approved and registered the  
Day of .

### *Form of Security.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales, (testified by their Seal being hereunto affixed,) witnesseth, That *A. B.*, *C. D.*, *E. F.*, and *G. H.*, being the Majority of the Guardians of the Poor for the \_\_\_\_\_ Union, [*or the Parish of* \_\_\_\_\_], in consideration of the Sum of \_\_\_\_\_ to them in hand paid by *Y. Z.* of \_\_\_\_\_ for the Purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a Workhouse for the Union [*or Parish*], and for providing suitable Stock and Utensils for that Purpose, [*or in consideration of the Conveyance or Assurance of, &c. as the Case may be,*] do hereby charge the  
Poor

Poor Rates of the Parishes of the said Union [*or Parish*] with the Payment of the Principal Sum of \_\_\_\_\_ Pounds, by the Instalments following [*naming them*], together with Interest on the Principal which shall from Time to Time remain due, after the Rate of \_\_\_\_\_ per Centum, to be payable half-yearly to the said Y. Z., his Executors, Administrators, and Assigns.

Witness L. M.

A. B.

C. D.

E. F.

G. H.



Approved and registered the  
Day of \_\_\_\_\_

*Form of Transfer of Security.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ by virtue of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and [*if the Guardians or Overseers of any Parish or Union are the Parties transferring or accepting the Security, then add*] under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales (testified by their Seal being hereunto affixed), witnesseth, That Y. Z. of \_\_\_\_\_ doth transfer the Security [*describing it*], with all Right and Title to the Principal Money thereby secured, and to all the Interest now due or hereafter to be due thereon, unto V. W. of \_\_\_\_\_ his Executors, Administrators, and Assigns.

Witness E. F.

Y. Z.

V. W.



Approved and registered the  
Day of \_\_\_\_\_

C A P. LXX.

An Act for abolishing, in *Scotland*, Imprisonment for Civil Debts of small Amount. [9th September 1835.]

‘ WHEREAS His Majesty was pleased, by Letters Patent  
‘ bearing Date on the Sixth Day of *June* One thousand  
‘ eight hundred and thirty-three, under the Great Seal appointed  
‘ by the Treaty of Union to be kept and made use of in place of  
‘ the Great Seal of *Scotland*, to appoint certain Commissioners  
‘ with Instructions to inquire, *inter alia*, “as to the present Form  
‘ of enforcing Judicial Decrees by the Diligence of Horning and  
‘ Caption



‘*Caption and Imprisonment, and the Expediency of any Alteration in the Law or Forms touching such Proceedings*’: And ‘*whereas the said Commissioners have made a Report, from which it appears that great Hardship is frequently suffered by poor Persons in consequence of Imprisonment for Civil Debts to a small Amount, without producing thereby any adequate Benefit to their Creditors: And whereas it is expedient that a Remedy should be provided:*’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and thirty-six it shall not be lawful to imprison any Person or Persons on account of any Civil Debt which shall not exceed the Sum of Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Interest and Expences thereon: Provided that it shall be lawful to imprison Debtors on Debts incurred or which may become due under Contracts made before the passing of this Act in like Manner as if this Act had not been passed; provided always, that Imprisonment for such Debts shall commence before the First Day of *January* One thousand eight hundred and forty.

No Person to be imprisoned for a Debt not exceeding 8l. 6s. 8d.

II. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six it shall not be lawful for any Magistrate, or Keeper of a Prison, or other Officer having the Charge of any Prison, in *Scotland*, to receive into such Prison, or for any Messenger at Arms or other Officer of the Law to apprehend or detain in Custody the Person of any Debtor or alleged Debtor for a Civil Debt of an Amount not exceeding Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Interest and Expences thereon, in virtue of Letters of Caption, Act of Warding, Decree of a Small Debt Court, or other Warrant, unless in the Case of Debts contracted before the passing of this Act as aforesaid.

After 1st Jan. 1836 Gaolers not to receive into their Custody any Person for a Debt not above 8l. 6s. 8d.

III. And be it enacted, That on Application made to the Sheriff of the County in which the Prison shall be situated, or to the Magistrates having Charge of any Prison, by any Prisoner incarcerated therein, showing that he is imprisoned or detained in Gaol for a Civil Debt or Debts contrary to the Provisions of this Act, such Sheriff or Magistrates shall cause Intimation to be made to the incarcerating Creditor or Creditors, upon Induciae of Six Days after Intimation; and on being satisfied that the Statement of the Prisoner is consistent with Truth, such Sheriff or Magistrates shall without Delay grant Warrant for his Liberation in so far as regards the Debt due to such Creditor.

Sheriff or Magistrates may direct the Discharge of any Person imprisoned for a less Amount.

IV. And be it enacted, That it shall not be lawful for any Person to acquire from Third Parties, by Assignment or otherwise, except by Marriage or Inheritance, One or more Civil Debts of or below the Amount of Eight Pounds Six Shillings and Eight-pence Sterling, against any One Individual, to the Effect of accumulating such Debts into One Decree or Warrant or Writ, or of adding the same to Debts previously due to him or below the said Amount, for the Purpose of defeating this Act, by imprisoning the Debtor for such accumulated Debts.

Persons not to acquire Debts under Sum before specified, except by Marriage or Inheritance.

Not to affect  
Recovery of  
Fines or  
Forfeitures.

V. And be it enacted, That nothing in this Act contained shall affect Obligations ad facta præstanda, or the Right of His Majesty or His Officers, or the Fiscals of Courts of Law, or others, to imprison as formerly, or on account of Taxes or Penalties due to the Revenue, or on account of any Fines or Forfeitures imposed or hereafter to be imposed by Law, or apply to Imprisonment for Poor Rates or local Taxation, or to Imprisonment for Sums decerned for Aliment.

Act may be  
altered, &c.

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

### C A P. LXXI.

An Act for appointing Commissioners to continue the Inquiries concerning Charities in *England* and *Wales* until the First Day of *March* One thousand eight hundred and thirty-seven. [9th September 1835.]

58 G. 3. c. 91. WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for appointing Commissioners to inquire concerning Charities in England for the Education of the Poor*; and another Act was passed in the Fifty-ninth Year of the same

59 G. 3. c. 81. Reign, intituled *An Act to amend an Act of the last Session of Parliament, for appointing Commissioners to inquire concerning Charities in England for the Education of the Poor, and to extend the Powers thereof to other Charities in England and Wales, to continue in force until the First Day of August One thousand eight hundred and twenty-three, and from thence until the End of the then next Session of Parliament*; and an Act was passed in

5 G. 4. c. 58. the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to continue for Four Years, and from thence until the End of the then next Session of Parliament, the Powers of the Commissioners for inquiring concerning Charities in England and Wales*; and an Act was passed in the Tenth

10 G. 4. c. 57. Year of the same Reign, intituled *An Act to continue, until the First Day of July One thousand eight hundred and thirty, the Powers of the Commissioners for inquiring concerning Charities in England and Wales*: And whereas an Act was passed in the

1 & 2 W. 4. c. 34. First and Second Years of the Reign of His present Majesty, intituled *An Act for appointing Commissioners to continue the Inquiries concerning Charities in England and Wales for Two Years, and from thence to the End of the then next Session of Parliament*: And whereas the Commissioners appointed under and by virtue of the said Two first-mentioned and the said last-mentioned Acts respectively pursued the Inquiries thereby authorized and directed, and made several Reports of their Proceedings; but the Powers of the Commissioners appointed under the said last-mentioned Act expired on the Fifteenth Day of *August* One thousand eight hundred and thirty-four: And whereas many Charities still remain to be investigated, and further Time will be required for that Purpose; and it is therefore expedient that Commissioners should be appointed for the Purposes aforesaid, to act according to the Provisions and Limitations

' Limitations herein-after expressed and contained: And whereas  
 ' an Act was passed in the Second Year of the Reign of His  
 ' present Majesty, intituled *An Act to continue and extend the* 2 W. 4. c. 57.  
 ' *Provisions of an Act passed in the Fifty-ninth Year of His Majesty*  
 ' *King George the Third, for giving additional Facilities in Appli-*  
 ' *cations to Courts of Equity regarding the Management of Estates*  
 ' *or Funds belonging to Charities; and for making certain Provisions*  
 ' *respecting Estates or Funds belonging to Charities: And whereas*  
 ' it is expedient that certain of the Provisions of the said last-  
 ' recited Act should be continued in manner herein after men-  
 ' tioned: Be it therefore enacted by the King'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 it shall and  
 may be lawful for His Majesty to issue a Commission under the  
 Great Seal to any Number of Persons, not fewer than Thirty,  
 who shall be constituted Commissioners for the Purposes int-  
 ended by this Act, One of whom shall be and be denominated  
 the Chief Commissioner, and shall superintend and direct the  
 Mode of proceeding of the other Commissioners acting in the  
 Execution of this Act; and that they the said Commissioners  
 shall and they are hereby empowered and required, in manner  
 herein-after mentioned, to examine into and investigate the  
 Amount, Nature, and Application of all Estates and Funds of  
 what Nature or Kind soever, and the Produce thereof, destined  
 or intended to be applied to the Purpose of educating the Poor  
 in *England* and *Wales*, or to the Support of any Charity or Cha-  
 rities or charitable Donation or Donations for the Benefit of poor  
 Persons in *England* and *Wales*, or held under Trusts created for  
 any charitable Use or Purposes whatever in *England* or *Wales*  
 (except as is herein-after provided and excepted), and to exa-  
 mine into and investigate all Breaches of Trust, Irregularities,  
 Frauds, Abuses or supposed Abuses, or Misconduct in relation  
 to and in the Management or Appropriation or Nonappropriation  
 or Misappropriation of such Estates and Funds; and the said  
 Commissioners shall once in each Half Year during the Continu-  
 ance of the said Commission report and certify, in Writing under  
 their Hands and Seals, to the King's most Excellent Majesty,  
 their Proceedings touching the Amount, Nature, Management,  
 Application, and Appropriation of such of the aforesaid Estates  
 and Funds as they shall have inquired and examined into, and  
 also what is the Nature of such Estates and Funds respectively,  
 and the actual annual Produce thereof, and what is the actual  
 annual Value thereof, and in whose Possession, as Tenants thereof,  
 any Part thereof, consisting of Lands, Tenements, or Heredita-  
 ments, shall be, adding at the same Time such Observations as  
 shall occur to them respecting such Mode as they shall deem  
 most effectual for the recovering of such Part or Parts of such  
 Estates or Funds as shall appear to them to have been applied  
 in breach of the several Trusts created in respect of the same, or  
 shall appear to have been omitted to be applied in pursuance  
 of such Trusts, and subjoining such Suggestions as may seem to  
 them expedient respecting the most effectual Mode of securing

Commissioners  
 to be appointed  
 to inquire into  
 the Nature and  
 Management  
 of Charities.

To report  
 half-yearly.

such Estates and Funds and their respective Produce against any future Misapplication thereof.

Commissioners to report where Funds cannot be applied as directed.

II. And be it enacted, That if upon such Inquiry as aforesaid it shall appear to the said Commissioners that, from any Cause whatsoever, it has become impossible to apply the Estates or Funds aforesaid, or any Part thereof, to the Purposes to which the same were destined or directed to be applied, the said Commissioners shall report the special Circumstances of each Case, subject, as to the Mode of making such Report, to the Directions of the Chief Commissioner in that Behalf.

Salaries to a limited Number of Commissioners.

III. And be it enacted, That no Remuneration shall be given for and in respect of the Execution of this Act to such of the said Commissioners as shall be Members of either House of Parliament, nor to any Number exceeding Twenty of the Commissioners; but there shall be allowed and paid to every such Commissioner such reasonable Sums for and in respect of such travelling Expences as may be incurred in the Execution of this Act as in the Judgment of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being shall be deemed requisite.

Commissioners to take Oath before entering upon their Duties.

IV. And be it enacted, That each of the said Commissioners to be appointed by virtue of this Act shall, previously to his entering upon the Execution of the same, take an Oath before the Chancellor of the Exchequer or the Master of the Rolls for the Time being (which Oath they are hereby respectively authorized and required to administer), the Tenor whereof shall be as followeth; (that is to say,)

' I *A.B.* do swear, That, according to the best of my Skill and Knowledge, I will faithfully, impartially, and truly execute the several Powers and Trusts vested in me by an Act, intituled [*here insert the Title of this Act*], according to the Tenor and Purport of the said Act.'

Vacancies of Commissioners may be filled up by the Crown.

V. And be it enacted, That in case of a Vacancy or Vacancies by the Death, Removal, or Resignation of any such Commissioners, it shall be lawful for His Majesty, His Heirs and Successors, to nominate and appoint such Person or Persons as He or They may think proper for the supplying of such Vacancy or Vacancies.

Appointment of Secretary, Clerks, &c.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized to appoint and employ such Secretary, Clerks, Messengers, and Officers, not exceeding in the whole One Secretary, Twenty Clerks, One Messenger, and Two other Officers, as they shall think meet, and to administer to each of the said Secretary, Clerks, and Officers an Oath for his true and faithful Demeanor in all Things relating to the due Performance of any Trust respecting the Execution of this Act reposed in him by the said Commissioners, and in all other Things touching the Premises; which Secretary, Clerks, and Officers are hereby required faithfully to execute and perform the said Trust in them severally and respectively reposed, without taking any thing for such their Service other than such Salary or Reward as the said Commissioners shall think fit to direct and appoint in their Behalf.

VII. And

VII. And be it enacted, That, for the Purpose of prosecuting the Inquiries and Examinations by this Act directed, the said Commissioners, or any One or more of them, shall from Time to Time hold their or his Sitings, with or without Adjournment, within the City of *Westminster*, or in any other City, Town, Borough, Hamlet, Village, or Place respectively in *England* or *Wales*, which to them or him shall appear most convenient for executing the Purposes of this Act; and the said Commissioners or Commissioner are or is hereby authorized to require, by Precepts under their or his Hands and Seals or Hand and Seal, from any Person or Persons acting as a Trustee or Trustees for any of the said Estates or Funds, or having any Concern in the Management or Administration of the same, or in the Payment or Receipt of any of the said Funds or Estates, or any Charge upon any Fund or Estate applicable to any charitable Uses or Purposes as aforesaid, to render to the said Commissioners or Commissioner a true Account, as far as consists with their Knowledge, of all that relates to such Funds or Estates as aforesaid under their Trust or Management, or on account of which they may have acted in making or receiving Payments; and, as often as Need shall be, to send their or his Precepts, under their or his Hands and Seals or Hand and Seal, for any Person or Persons whomsoever to attend them or him, and require such Person or Persons to bring with him, her, or them any Deed, Paper, Writing, Instrument, or other Document being in his, her, or their Custody and Possession, and relating to any such Estates or Funds, or the Produce thereof, or to the Receipt or Application or Nonapplication or Misapplication thereof, which shall in the Judgment of such Commissioners or Commissioner be conducive and necessary to the due Execution of the Purposes of this Act; and every Person to whom such Precept shall as aforesaid have been addressed and delivered is hereby required and directed punctually to attend the said Commissioners or Commissioner at such Time and Place as shall for that Purpose have been appointed; and to every such Person or Persons may be paid such Sum of Money as in the Judgment of the said Commissioners or Commissioner shall be just and reasonable: Provided always, that no such Person shall be obliged to travel in obedience to such Precept more than Ten Miles from his or her Place of Abode.

Commissioners to hold Sittings and summon Persons and send for Papers; but no Person obliged to travel more than Ten Miles from Place of Abode.

VIII. And for rendering more effectual all such Examinations as are intended to be had under this Act; be it enacted, That the said Commissioners, or One or more of them, are or is hereby authorized to examine upon Oath, or upon the Affirmation of Persons exempted by Law from Liability to Examination upon Oath, (which Oath or Affirmation the said Commissioners, or any One or more of them, are or is hereby respectively authorized to administer,) all Persons whom the said Commissioners, or any One or more of them, are or is by the Provisions of this Act empowered to call before them or him to be examined touching all Matters and Things necessary for the Execution of the Powers vested in them or him by this Act.

Commissioners empowered to examine upon Oath.

IX. And be it enacted, That the said Commissioners respectively shall and they are hereby required to cause the Examinations

Examinations, &c. to be sent to Office in Westminster.

tions which shall be taken before them respectively, and all Papers and Documents being Parts of such Examinations, to be from Time to Time transmitted to the Secretary of the said Commissioners at their Office in *Westminster* aforesaid.

Penalties of  
Perjury for  
false swearing.

X. And be it enacted, That in case any Person upon Examination on Oath or upon Affirmation, as the Case may be, before the said Commissioners or Commissioner, shall wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as under any Law now in force may be inflicted on Persons convicted of wilful and corrupt Perjury.

Persons refusing  
to appear before  
Commissioners,  
or to produce  
Deeds, &c. or  
to answer Ques-  
tions, liable to  
be fined by the  
Court of King's  
Bench or  
Exchequer.

XI. And be it enacted, That if any Person summoned to appear before the said Commissioners, or any One or more of them, shall wilfully omit or refuse to appear before such Commissioners or Commissioner, or to bring or to produce any Deed, Paper, or Writing, Instrument or other Document, in his or her Possession, Custody, or Power, and which he or she shall be required by the Precept of any such Commissioners or Commissioner to produce, relating wholly to the Estates or Funds which shall be the Subject of Inquiry before the said Commissioners or Commissioner, or to the Receipt or Application or Nonapplication or Misapplication thereof, or to the State of the Schools or Charities which shall be the Subject of Inquiry before such Commissioners or Commissioner, or the true Copy of any Part or Parts of any Deed, Paper, Writing, or other Instrument (and which Copy any such Commissioners or Commissioner are or is hereby empowered to require by such Precept), or shall refuse to be sworn, or, being a Person exempted by Law from Liability to Examination upon Oath, to affirm, or, being sworn or having affirmed, as the Case may be, shall refuse to answer to and before the said Commissioners or Commissioner, or to answer fully any lawful Question on Oath or Affirmation respectively touching or concerning any Matter or Thing relating to such Estates or Funds as aforesaid, or to the State of such Schools or Charities as aforesaid (except in Cases excepted by this Act), every such Person so refusing to comply with any such lawful Requisitions of the said Commissioners or Commissioner shall be liable to the Payment of such Fine to His Majesty as the Court of King's Bench or the Court of Exchequer, on Application made by or on the Behalf of the said Commissioners or Commissioner, or by His Majesty's Attorney General for the Time being, shall think fit to set and impose, which Fine the said Court of King's Bench or Court of Exchequer is hereby authorized and empowered to set and impose according to their Discretion respectively, and to enforce Payment of the same, by Attachment or otherwise, in such Manner as the said Courts respectively may do in Cases of Contempt of the same Courts.

Purchasers  
without Notice  
not bound to  
answer Inter-  
rogatories.

XII. Provided always, and be it enacted, That if any Person who shall be summoned to appear before the said Commissioners, or any One or more of them, shall upon his or her Examination allege that he or she hath purchased or obtained for valuable Consideration any Estate or Interest of, in, to, or out of any Lands, Tenements, Rents, or Annuities, Hereditaments, Goods,

or Chattels, touching which he or she shall be sought to be so examined, without Fraud or Covin, having no Notice of any charitable Trust or Use to which the said Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels, or any Charge thereon, have or has been given, limited, or directed to be applied, then such Person shall not be bound to make further Answer to any Interrogatory of such Commissioners or Commissioner, nor to produce or show to them or him any Deed, Paper, Writing, Instrument, or other Document relating to his or her Estate or Interest in such Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels.

XIII. Provided also, and be it enacted, That no Person having the Custody of any Deed, Paper, Writing, Instrument, or other Document, as Mortgagee, Trustee, or Agent, Solicitor or Attorney, shall be compellable to produce the same, or to give any Evidence as to the Contents thereof, without Notice being first given to his Mortgagor, Cestuique Trust, or Principal, and the said Mortgagor, Cestuique Trust, or Principal being examined touching the same by the said Commissioners or Commissioner; and in case such Mortgagor, Cestuique Trust, or Principal shall by the Provisions of this Act be exempted from producing the said Deed, Paper, Writing, Instrument, or other Document, then the Mortgagee, Trustee or Agent, Solicitor or Attorney, shall not be bound to produce or show the same, or give any Evidence of the Contents thereof, to the said Commissioners or Commissioner: Provided also, that no Person shall be compellable to answer any Question, or to produce any Deed, Paper, Writing, Instrument, or other Document, the Answer to which or the Production of which may criminate or tend to criminate such Person, or to expose such Person to any Pains or Penalties.

XIV. And be it enacted, That the said Commissioners shall and may receive and send by the General Post from and to Places within the United Kingdom all Letters and Packets relating solely and exclusively to the Execution of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners shall be directed to the "Commissioners of Charities," at their Office in *Westminster*, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in Covers with the Words "Office of Commissioners of Charities, pursuant to an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth," printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person as the said Commissioners, with the Consent of the Lords Commissioners of the Treasury or any Three or more of them, shall authorize and appoint, in his own Handwriting, (such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London* and *Dublin*,) and under such other Regulations and Restrictions as the said Lords Commissioners, or any Three or more of them, shall think proper and direct; and the Person so to be authorized is hereby strictly forbidden so to subscribe any Letter or Packet whatsoever except such only concerning which he shall receive the special Direction of his superior

Mortgagees,  
Trustees, &c.  
not compellable  
to produce  
Deeds without  
Notice to  
Mortgagors,  
Cestuique  
Trusts, &c.

Persons not  
compellable  
to criminate  
themselves.

Letters to and  
from Commis-  
sioners to be  
free of Postage  
if sent con-  
formably hereto.

Penalty and Loss of Office for sending Letters not relating solely to the Business of the Act.

In case of Letters sent under Cover to the Commissioners.

Officers having Custody of Records to furnish Extracts if required by a Commissioner.

No Stamp Duty on Extracts or Copies required by a Commissioner.

Act not to extend to Universities, Public Schools, &c. ;

nor to Charities chiefly supported by voluntary contributions ;

Officer, or which he shall himself know to relate solely and exclusively to the Execution of this Act ; and if the Person so to be authorized, or any other Person, shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Inclosure other than what shall relate to the Execution of this Act, every Person so offending shall be dismissed from his Office, and shall forfeit and pay the Sum of One hundred Pounds, one Moiety of the said Penalty to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster*; and if any Letter, Paper, or Writing, or other Inclosure, shall be sent under Cover to the said Commissioners, the same not relating solely and exclusively to the Execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in *London*, with the Covers under which the same shall be sent, in order that the Contents thereof may be charged with the full Rates of Postage.

XV. And be it enacted, That whenever any Extract from the Enrolment of any Charter or Deed, or from any Decree, Report, Record, or other Document whatever, deposited or remaining in any of the Offices belonging to or under the Control of the Courts of Chancery or Exchequer, or in any Public Registry, shall be required for the Purposes of this Act by any Order signed by One of the Commissioners under this Act, the Officer or Officers having the Custody of such Enrolment, Decree, Report, Record, or other Document, shall furnish an Extract of so much only as shall be so required of any such Enrolment, Decree, Report, Record, or other Document ; and that any such Extract, or any Copy, which shall be required for the Purposes of this Act by any Order signed by One of the said Commissioners, of any such Enrolment, Decree, Report, Record, or other Document, shall not be subject or liable to the Payment of any Stamp Duty whatever, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

XVI. And be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to either of the Universities of *Oxford* or *Cambridge*, nor to any College or Hall within the same, nor to any Schools or other Endowments of which the said Universities, Colleges, or Halls are Trustees, nor to the Colleges of *Westminster*, *Eton*, or *Winchester*, nor to the *Charter House*, nor to the Schools of *Harrow* or *Rugby*, or any of them, nor to the Corporation of the *Trinity House* of *Deptford Strond*, nor to any Cathedral or Collegiate Church within *England* or *Wales*, nor to any Funds applicable to the Benefit of any Persons of the Jewish Persuasion, or the People called Quakers, or Persons of the Roman Catholic Persuasion, and which shall be under the Superintendence and Control of Persons of such Persuasions respectively.

XVII. Provided also, and be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to any Institution established, or Society, for charitable



charitable Purposes, wholly or principally maintained by voluntary Contributions, and under the Superintendence and Control of any Committee or Governors or other Person or Persons chosen or appointed out of or by voluntary Subscribers thereto; and that the Application of any Donation or Bequest to the general Purposes of any such Institution, Establishment, or Society, in aid of such voluntary Contributions, shall not be subject to the Examination or Interference of the Commissioners appointed under this Act: Provided always, that the Management and Application of the Rents and Profits of any Lands, Tenements, or Hereditaments belonging to such Institution, Establishment, or Society for the Period of Twenty Years or upwards before the passing of this Act, shall in all such Cases be subject to the Examination of the said Commissioners at their Discretion.

except as to Management, &c. of Rents for Twenty Years.

XVIII. And be it enacted, That in all Cases of Proceedings instituted or to be instituted by His Majesty's Attorney General in pursuance of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third hereinbefore secondly mentioned, or of the said recited Act of the Second Year of the Reign of His present Majesty, or of this Act, the Production to the Court of a Certificate under the Hand of His Majesty's Attorney General, stating that the Particulars of the Case in question in Writing have been certified to His Majesty's Attorney General for the Time being, according to the Provisions of the said recited Acts of the Fifty-ninth Year of His said late Majesty or of the Second Year of His present Majesty, or of this Act, as the Case may be, shall be deemed sufficient Evidence that such Particulars have been duly certified to His Majesty's Attorney General accordingly, to and for all Intents and Purposes whatsoever.

Attorney General's Certificate to be Evidence of Particulars of Cases having been duly certified by Commissioners.

XIX. And be it enacted, That in all Cases of Proceedings instituted or to be instituted by His Majesty's Attorney General in pursuance of the before-recited Acts, it shall and may be lawful for the said Chief Commissioner and he is hereby directed to superintend all such Proceedings, with a view to their prompt and effectual Termination.

Chief Commissioner to superintend Proceedings.

XX. And be it enacted, That whenever it shall appear to the said Commissioners to be appointed under the Authority of this Act that the Property belonging to any Charity consists only of One or more Annuity or Rent-charge, Annuities or Rent-charges, not exceeding in the whole the yearly Sum of Fifty Pounds, and that there are no existing Trustees or Persons legally qualified to receive and give an effectual Discharge for such Annuity or Rent-charge, Annuities or Rent-charges, it shall and may be lawful for any Five of the said Commissioners, by Writing under their Hands, to empower the resident Minister and the Churchwardens or Chapelwardens for the Time being of the Parish or Place interested in such Charity, in case only One Parish or Place is so interested, but if more than One Parish or Place is so interested, then the resident Minister and the Churchwardens or Chapelwardens of some one of the Parishes or Places interested, to receive the said Annuity or Rent-charge, Annuities or Rent-charges, or any Arrears thereof, and to apply the

For empowering resident Ministers and Churchwardens to receive Rent-charges belonging to Charities, where no existing Trustees.

the same according to the Purposes of the charitable Donations or Bequests thereof, in the same Manner as the Trustees of the said Charity would have been bound to do; and the Power so to be given to such Minister and Churchwardens or Chapelwardens shall remain in force until Trustees of the said Charity duly appointed shall appear and claim the Administration of the Funds thereof, or until Trustees of the said Charity shall be appointed by the Court of Chancery or Court of Exchequer; and all Receipts to be given by such Minister and Churchwardens or Chapelwardens shall be effectual Discharges to the Persons liable to the Payment of such Annuities or Rent-charges for all such Sums as in such Receipts shall be expressed to have been received in respect thereof; and in case of Nonpayment of such Annuities or Rent-charges, or any Arrears thereof, it shall and may be lawful for such Minister and Churchwardens or Chapelwardens respectively, during the Continuance of the Power to be given to them by virtue of the Provisions of this Act, to use and exercise all such Powers and Remedies for recovering and compelling Payment of the said Annuities or Rent-charges and the Arrears thereof, as the Trustees of the said Charities respectively might or could have done if duly appointed.

Limitation of  
Actions.

XXI. And be it enacted, That any Action or Suit which shall be brought against any Commissioner or Commissioners to be appointed under the Authority of this Act, or against any Person or Persons acting under the Authority or by the Order of such Commissioners, or any One or more of them, for any thing done or acted by him or them under this Act, shall be commenced within Six Calendar Months next after the Fact committed in respect of which such Action or Suit shall be brought or commenced, and not afterwards; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time so limited for bringing the same, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action after Appearance, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, which he or they shall and may recover in such and the same Manner as any Defendant can by Law in other Cases.

General Issue.

Treble Costs.

Previously  
to presenting  
Reports, Com-  
missioners may  
direct Attorney  
General to file  
Informations.

XXII. Provided always, and be it enacted, That previously to presenting any Report the said Commissioners shall give Directions, in all Cases in which they shall think it fit, to the Attorney General to file Informations in the Courts of Chancery or Exchequer on the Matter arising out of such Reports, and shall not, nor shall any of the Clerks or Secretaries under this Act, give any Information touching any such Matters to any Person other than the Attorney General or the Persons employed by the said Commissioners previous to the Directions so by the said Commissioners given to the Attorney General.

XXIII. And

XXIII. And be it enacted, That this Act shall continue in force until the First Day of *March* One thousand eight hundred and thirty-seven.

Continuance  
of Act.

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

Act may be  
amended, &c.

### C A P. LXXII.

An Act for abolishing the Excise Incorporation in *Scotland*, and for transferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the Payment of the Annuities to the Widows and Orphans of late and present Members of the Incorporation Fund.

[9th *September* 1835.]

‘ **W**HEREAS, for the Purpose of raising a Fund by Contributions out of their Salaries for Payment of Annuities to their Widows and Orphans, the Officers of Excise under the Management of the Commissioners of Excise in *Scotland* were, by a Royal Charter or Letters Patent under the Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, bearing Date the Fourteenth Day of *July* in the Twenty-second Year of the Reign of His Majesty King *George* the Second, and in the Year of our Lord One thousand seven hundred and forty-eight, constituted, erected, incorporated, and perpetually established and confirmed into One Body Politic and Corporate, or legal Incorporation and Society, under the Title and Name of “The Excise Incorporation in *Scotland*,” and as such and by such Name to have a perpetual Endurance and Succession; and for the Ends and Purposes of raising such Fund, and making such Payment, it was by the said Charter or Letters Patent, among other Things, ordained, directed, ordered, and appointed that the said Corporation should comprehend and be distinguished into Three different Classes; the First whereof to consist of General Supervisors, General Surveyors, and Collectors, or such like Offices, if held under any other Names at any Time thereafter; the Second Class to consist of Supervisors, Surveyors, Examiners, Accomptants and Clerks, or such like Offices, if under other Names; the Third Class, of Gaugers, Supernumeraries, or Assistants, or such like Offices, if under other Names; and also that in order to establish the said Fund each Member of the Corporation should pay the Sums after mentioned, according to their Class, during their Lives yearly, and by Eight equal Payments; (that is to say), those of the First Class, Three Pounds Four Shillings Sterling Money yearly; those of the Second Class, Two Pounds Eight Shillings Sterling Money yearly; and those of the Third Class, One Pound Twelve Shillings like Money yearly; and also certain additional Contributions on Promotion and on Contributors marrying twice or oftener; and further that the Sums of Money so to be contributed and paid should be subject and applied to the Annuities payable to the Widows and Children of the Contributors according

Royal Charter  
or Letters  
Patent of  
14th July 1748  
establishing  
the Excise In-  
corporation  
in *Scotland*.

' cording to the Classes before mentioned, and at the Rates after  
 ' specified, that is, that there should be paid to the Widow or  
 ' Children of each Contributor of the First Class a yearly Annuity  
 ' of Sixteen Pounds Sterling, of each Contributor of the Second  
 ' Class a yearly Annuity of Twelve Pounds Sterling, and of each  
 ' Contributor of the Third Class a yearly Annuity of Eight Pounds  
 ' like Money, all to be paid quarterly, on the Twenty-fifth Day  
 ' of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of  
 ' *September*, and Twenty-fifth Day of *December*; and that when a  
 ' Contributor should leave a Widow and no Children, the said  
 ' Annuity should be paid to her during her natural Life and  
 ' Viduity, but upon her Decease or marrying again should thence-  
 ' forth cease and determine; and when he should have Children,  
 ' One or more, under the Age of Twelve Years, and no Widow,  
 ' the said Annuity should be paid to the said Children until the  
 ' youngest of them attained the Age of Twelve Years complete,  
 ' but thenceforth and thereafter should cease and determine;  
 ' and that when the Contributor should leave both a Widow and  
 ' Children, One or more, under the Age of Twelve Years, the  
 ' Annuity should be paid to the Widow during her Life and  
 ' Viduity, and in case of her dying or marrying again before the  
 ' youngest of the said Children attained the Age of Twelve Years  
 ' complete, should no longer be payable to the Widow, but should  
 ' thenceforth be paid to the Children, and until the youngest  
 ' of them should attain the Age of Twelve Years complete, and  
 ' should then cease and determine; and Provision was also made  
 ' in and by the said Royal Charter or Letters Patent for raising  
 ' and managing the said Fund and Contributions, and paying the  
 ' said Annuities, by Managers to be elected and appointed as  
 ' therein was directed: And whereas it having been found by  
 ' Experience that higher Rates of Contribution and the Interest  
 ' of a larger Stock of Capital, in proportion to the increased  
 ' Number of Members, would be necessary for raising the same,  
 ' and for extending the Benefits of the said Royal Charter or  
 ' Letters Patent, an Act was passed in the Forty-fifth Year of  
 ' the Reign of His Majesty King *George* the Third, intituled *An*  
 ' *Act for confirming the Charter and enlarging the Powers of the*  
 ' *Corporation of the Officers of Excise in Scotland*, by which said  
 ' Act the said Charter and Letters Patent, and all the Regu-  
 ' lations, Ordinances, and Appointments therein contained, and  
 ' all the Proceedings had in consequence thereof, were confirmed,  
 ' so far as the same were not altered by the said Act, and by  
 ' the said Act the said Incorporation was directed to be con-  
 ' tinued and distinguished into Three Classes; (that is to say.)  
 ' the First Class thereof to consist of General Supervisors, Ge-  
 ' neral Surveyors, and Collectors, along with the Auditor, the  
 ' Comptroller, the Cashier, the Secretary or Secretaries, the  
 ' Solicitor or Solicitors, the General Accountants, and the Ge-  
 ' neral Examiner, and the Deputies established in the actual  
 ' Execution of those Offices, or the Persons in the actual Occu-  
 ' pation of Offices of the like Nature, if held under other or  
 ' different Names; the Second Class to consist of Supervisors,  
 ' Surveyors, Examiners, Accountants, and Clerks in the General  
 ' Excise Office in *Edinburgh* receiving Salaries directly out of  
 ' the

' the Revenue, or the Persons established in the actual Occupation of Offices of the like Nature, if held under any other or different Names; the Third Class to consist of Gaugers or Officers, Supernumeraries and Assistants, or the Persons established in the actual Occupation of Offices of the like Nature, if held under other or different Names; and every Member of the said Incorporation is by the said Act made subject and liable to and to pay the Sum or Rate herein-after mentioned according to his proper Class, during his Life yearly, by Four equal quarterly Payments; (that is to say,) each Member of the First Class, Seven Pounds and Ten Shillings; each Member of the Second Class, Five Pounds Twelve Shillings and Sixpence; and each Member of the Third Class, Three Pounds Fifteen Shillings; and Provision is thereby also made for the Payment of the Difference of Rates on the Promotion of Members from a lower to a higher Class, and for the Payment of certain additional Rates on Marriage; but an Option being by the said Act given to the Contributors under the said Royal Charter or Letters Patent to accede or not to the Provisions of the said Act, in order to secure upon just and equitable Terms the limited Advantages proposed by the said Royal Charter or Letters Patent, it is directed by the said Act that every non-acceding Member should in pursuance of a Provision made and reserved to that Effect in the said Royal Charter or Letters Patent, be called upon and obliged in future regularly to pay into the said Fund, towards the due and necessary Support thereof, not only his ordinary annual Contribution, and the Rates imposed in case of any second or subsequent Marriage, as directed by the aforesaid Royal Charter or Letters Patent, but also an Addition to his said ordinary Contributions, and along with the same, at the Rate of Seven Shillings and Sixpence annually, for a Contribution of the Third Class over and above his then present Rate of One Pound Twelve Shillings and Sixpence, making together the annual Rate of Two Pounds, and so in proportion for those of the Two higher Classes, as before distinguished respectively; and all the Rates and Sums of Money so to be contributed, together with all that had already been contributed and accumulated under the Royal Charter or Letters Patent aforesaid, were by the said Act directed to continue and be vested in and applied by Order and Direction of the said Incorporation, and the Managers and Cashiers thereof, appointed as therein mentioned, for behoof of the same and their Successors in Office, to and for the Uses and Purposes after mentioned, (that is to say,) in the first place, for defraying the necessary Expences incurred and to be incurred in the passing of the said Act, and in establishing and executing the Scheme; secondly, for the further raising of a Fund and Capital Stock for the Purposes of the Scheme to the Extent therein limited, subject and applicable to the Payment of Annuities to Widows and Children of Contributors, according to the Three several Classes therein-before distinguished, at the Rates after specified; (that is to say,) that there should be paid as a yearly Annuity to the Widow or to the lawful Children of each Contributor, of the First Class, Thirty-two Pounds; of the Second Class,

Twenty-

' Twenty-four Pounds; and of the Third Class, Sixteen Pounds;  
 ' such several Annuities to be paid by equal Portions quarterly,  
 ' and within One Month after each Quarter Day respectively,  
 ' to wit, on the Fifth Day of *January*, Fifth Day of *April*, Fifth  
 ' Day of *July*, and Tenth Day of *October*, successively, com-  
 ' mencing the First Quarter's Payment at the first of these Days  
 ' which should happen after the Death of the Contributor, and  
 ' so on regularly during the natural Life of the Widow and her  
 ' remaining unmarried, or until the youngest surviving Child of  
 ' such Contributor should attain the Age of Sixteen Years com-  
 ' plete, whichever of these Events should happen the latest;  
 ' provided that the Widows and Children of Contributors under  
 ' the said Royal Charter or Letters Patent not acceding to the  
 ' Scheme under the said recited Act were to be paid Annuities  
 ' only at the former limited Rates under the said Royal Charter  
 ' or Letters Patent, and to continue to Children only until the  
 ' youngest of such Children should attain the Age of Twelve  
 ' Years, as provided by the said original Patent; and in order to  
 ' render the Funds thereby established sufficient and suitable for  
 ' answering the several Purposes of the said Act, Power was  
 ' thereby given to raise a Capital Fund or Stock, proportioned to  
 ' the Number of Contributors, according to certain Rules and Re-  
 ' gulations in the said Act contained; and it was amongst other  
 ' Things further provided, that as soon and so often as the said  
 ' Stock should amount to the Capital Sum therein described and  
 ' limited, in proportion to the Number of Contributors, the Sur-  
 ' plus, which might be found above that Amount upon balancing  
 ' the Accounts ending at the Fifth Day of *July* annually should  
 ' be set apart and applied by the Managers of the Incorporation  
 ' at the Time in such Portions as they should judge best, for aug-  
 ' menting the Annuities to the Widows and Children of the Con-  
 ' tributors proportionably, such Augmentation not to exceed the  
 ' One Half of the ordinary Annuity payable to each Annuitant;  
 ' and in case of any Surplus beyond what should be judged  
 ' necessary for making such Augmentation within the Limit afore-  
 ' said, Power is given to the Managers to apply such further  
 ' Surplus towards paying the Annuities in the succeeding Year,  
 ' and in consequence to direct and allow an Abatement to be  
 ' made proportionably out of the ordinary Rates payable by the  
 ' whole Contributors in the said Year respectively, or, with the  
 ' Assent of the Contributors, to form such other Plan for the  
 ' Application of such last-mentioned Surplus, and to apply the  
 ' same accordingly, in such Manner as should appear most  
 ' agreeable to the Majority of the Contributors, and most for the  
 ' Benefit of all concerned; and Provision is by the said Act also  
 ' made for appointing Managers for conducting the Affairs of  
 ' the said Incorporation: And whereas the Capital Sum in the  
 ' said Act described and limited having been raised, and a Sur-  
 ' plus having been found, the Managers of the said Incorporation  
 ' have augmented the Annuities payable to the Widows and  
 ' Children of Contributors to the Extent of One Half more than  
 ' the Amount specified in the said Act; (that is to say,) to the  
 ' Widows and Children of Contributors, Acceders to the said  
 ' Act, of the First Class, an Annuity of Forty-eight Pounds; of  
 ' the

the Second Class, Thirty-six Pounds; and of the Third Class, Twenty-four Pounds, respectively; and to the Widows and Children of Contributors under the said Royal Charter or Letters Patent, Non-acceders to the said Act, of the First Class, Twenty-four Pounds; of the Second Class, Eighteen Pounds; and of the Third Class, Twelve Pounds; and a further Surplus beyond what was necessary for such Augmentation having been found, the Managers of the said Incorporation have, with the Concurrence of the Majority of the Contributors, applied the same so as to lengthen the Period during which the said Annuities are to be payable to the Children of the said Contributors, (that is to say,) until the youngest of such Children, whether of acceding or non-acceding Contributors, shall have attained the Age of Eighteen Years: And whereas the Managers and Cashier of the said Incorporation have, under the Authority of the said recited Act, invested the Funds of the said Incorporation in the Purchase, in the Name of the Cashier, of certain Shares amounting in the whole to the Sum of Sixteen thousand five hundred Pounds of the Capital or Joint Stock of the Bank of *England*, and in the Purchase, in the Name of the said Cashier, of certain Shares amounting in the whole to the Sum of Fourteen thousand Pounds of the Capital or Joint Stock of the Royal Bank of *Scotland*, and have also, under the Powers of the said Act, lent out on heritable Securities, taken in the Name of the Cashier of the said Incorporation and his Successors in Office, certain Sums of Money, amounting in the whole to the Sum of Twenty-three thousand five hundred Pounds, of and to which said several Sums the said Managers and Cashiers now stand possessed and entitled for and on behalf of the said Incorporation: And whereas the said Incorporation now consists, more or less, of One Contributor of the First Class, Seven Contributors of the Second Class, and Seventeen Contributors of the Third Class, being Contributors under the said Royal Charter or Letters Patent, but who refused or neglected to accede as Contributors under the said recited Act, and of Thirty Contributors under the said recited Act of the First Class, One hundred and nineteen such Contributors of the Second Class, and Five hundred and fifty-five such Contributors of the Third Class: And whereas the whole Revenue of Excise of the United Kingdom being now placed under the Management of One General Board of Commissioners, all Officers in the Service of the Excise are Officers for the whole of the United Kingdom, and not for any one Part thereof, and are removeable and removed from any one Part of the United Kingdom to any other Part thereof, according to the Exigencies of the Public Service, and by the Abolition of the Chief Office of Excise at *Edinburgh* the principal Officers and Accountants who were there stationed, and were the principal Managers of the Affairs of the said Incorporation, have either ceased to be Officers of the Revenue, by the Abolition of their Offices, or have been removed to the Chief Office of Excise in *London*, and inasmuch as the Demands of the Public Service will not allow of Collectors and other Officers being called from their public Duties to meet together and act as Managers, it has  
been

been found impossible to continue the Purposes of the said Incorporation and the Management of the Affairs thereof; and it has become therefore expedient to abolish the same, and to make Provision for securing the Rights and Interests of the existing Contributors, and in order to effect the same, that the said Shares in the Stock of the Bank of *England* and Royal Bank of *Scotland* respectively should be sold, and the Monies arising from such Sales, together with all Monies which, before such Sales shall be effected, shall have been received and paid to the Account of the said Incorporation, be carried to the Account of the Consolidated Duties of Excise, and be paid into the Receipt of the Exchequer under that Head; and the several Sums, amounting to the Sum of Twenty-three thousand five hundred Pounds, together with the Interest arising therefrom, as soon as the Bonds given for Payment of the same are discharged, and such Interest as shall in the meantime be payable, should be carried to Account, and paid in manner before mentioned; and that no Person not having been a Contributor before the Fifth Day of *January* One thousand eight hundred and thirty-five shall be admitted or deemed to have been admitted a Contributor, but that the present Contributors, having become Contributors before the said Fifth Day of *January* One thousand eight hundred and thirty-five, shall continue the Payment of their respective Rates, which shall in like Manner be paid over, under the Management of the Commissioners of Excise, to the Consolidated Duties of Excise; and that all Annuities to the Widows and Children of Contributors now payable, or which shall hereafter become payable, according to the Provisions of the said recited Act, shall be paid out of the Duties of Excise, and be placed to the Account of Incidents of that Department: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as directs the Election and Appointment of Managers, and of a Cashier and Clerk of the said Incorporation, and as directs the raising of a Capital Stock, and the Application of any Surplus thereof, as shall be repugnant to this Act, or any of the Provisions thereof, shall be and the same is hereby repealed; and the said Incorporation shall from henceforth cease and determine, and no new or additional Members shall be admitted into the same, nor shall any Person be deemed a Member thereof or an existing Contributor within the Meaning of this Act who shall not have been admitted and become a Contributor before the Fifth Day of *January* One thousand eight hundred and thirty-five.

So much of recited Act as directs the Appointment of Managers, and of a Clerk and Cashier, and the raising a Fund, repealed; and the Incorporation to cease.

Funds of the Incorporation vested in the Commissioners of Excise for the Purposes of this Act, and all their Stock to

II. And be it further enacted, That on the passing of this Act all the Stocks, Funds, and Monies of the said Incorporation shall, for the Purposes of this Act, be vested in the Commissioners of Excise; and the said Shares in the Capital or Joint Stock of the Bank of *England* and of the Royal Bank of *Scotland* shall forthwith be sold and disposed of; and the said Sums to be left on heritable Securities shall, as soon as the same can be in conformity



mony with the Conditions of the respective Securities on which the same were lent, be called in and recovered; and all Monies arising from such Sales, and the Amount of such Monies when called in and repaid, and all Interest thereon, together with all other Monies which shall in any Manner be vested in the said Incorporation, or be vested or remain in the Hands, Custody, or Possession of any Body Politic or Corporate, Company, or Person or Persons in Trust for or for the Use or Behoof of the said Incorporation, shall be paid over to the Commissioners of Excise; and for the Purpose of realizing and paying over such Monies, it shall be lawful for the Commissioners of Excise, and they are hereby authorized and required, to nominate and appoint One or more fit Person or Persons to sell and dispose of the said Shares, and to obtain Payment of the Monies so lent, and to collect and call in all other Property or other Effects, heritable or moveable, belonging to the said Incorporation, and to pay over all Monies collected or produced by the Sale of such Shares, Property, and Effects as aforesaid to the Commissioners of Excise; and in case of any Person so appointed dying or becoming incapable of acting, or of his Appointment being recalled by the said Commissioners of Excise, the said Commissioners shall appoint some other Person in the Room and Place of the Person so dying or becoming incapable, or whose Appointment has been recalled as aforesaid; and every such Appointment as aforesaid to be made by the Commissioners of Excise shall be in the Form set out in the Schedule to this Act.

III. And be it further enacted, That every Person so to be appointed as aforesaid shall, if required, give Security in such Sum or Sums of Money as shall be directed by the Commissioners of Excise for duly recovering, paying over, and accounting for all the Property of the said Incorporation, and otherwise discharging the Duties of his Office, such Security to be taken in the Name of His Majesty; and it shall be lawful for the Commissioners of Excise to pay and allow to the Person or Persons so appointed such Remuneration and Recompence for his or their Labour and Trouble in the Matter as shall be authorized and directed by the Lords Commissioners of His Majesty's Treasury.

IV. And be it further enacted, That the Person or Persons so to be appointed as aforesaid shall have full Power and Authority to sell and dispose of the said Shares, and to obtain Payment of the Monies so lent, and to collect and call in all other Property or other Effects, heritable or moveable, belonging to the said Incorporation; and the Receipt or Discharge of any Person or Persons so appointed as aforesaid shall be a full and valid Receipt and Discharge to all and every Person and Persons, Company, Body Politic and Corporate, paying or delivering over any Money or other Property or Effects in their Hands, Custody, or Possession, or due or owing by them, or paid over as the Purchase Money of any such Shares or other Property or Effects of the said Incorporation; and the Person or Persons so appointed shall have full Power and Authority to raise, insist in, and carry on, in his or their Name or Names, any Action, Suit, or Proceedings at Law, for making good the Purposes of such his or their Appointment,

be realized for the same Purpose.

Persons appointed to give Security and to have such Recompence as shall be directed by the Lords of the Treasury.

Persons appointed to collect in the Property of the Incorporation to have full Power to do so, and to give valid Receipts, and to raise and carry on Actions.

ment, and collecting, calling in, and realizing the whole of the Property and Effects, heritable and moveable, of the said Incorporation; and no Action, Suit, or Proceeding raised, insisted in, or carrying on by any such Person shall abate, cease, or determine by the Death or Removal of any such Person, but the same shall continue and be insisted in and carried on by the Person who shall be nominated and appointed in the Room or Place of the Person so dying or removed.

Commissioners to pay over the Monies in the same Manner as Duties of Excise.

V. And be it further enacted, That the Commissioners of Excise shall pay or cause to be paid all such Monies as shall be received by them on account of the said Incorporation into the Hands of the Receiver General of Excise, to be paid into the Bank of *England*, and into the Receipt of the Exchequer, on account of the Duties of Excise, in the same Manner as all other Monies coming into the Hands of the said Commissioners on account of the Duties of Excise are by Law required to be paid over.

Books, Accounts, and Papers to be delivered to the Commissioners of Excise.

VI. And be it further enacted, That all Books, Accounts, Documents, and Papers belonging to or in the Hands, Custody, or Possession of the Managers or of the Cashiers or Clerk of the said Incorporation, and all Books, Accounts, Documents, or Papers relating to the Affairs of the said Incorporation in the Custody or Possession of any Company or other Person or Persons in Trust for or on the Behoof of the said Managers, Clerk, or Cashier, shall be delivered over to the Commissioners of Excise, or to such other Person or Persons as they shall appoint to receive and keep the same, and shall from thenceforth become Part of the public Documents of the Office of Excise.

Present Contributors to continue their Contributions.

VII. And be it further enacted, That all the Persons Contributors to the said Incorporation who shall have been admitted Contributors before the said Fifth Day of *January* One thousand eight hundred and thirty-five, whether Contributors under the said Royal Charter or Letters Patent being Non-acceders to the said recited Act, or Contributors Acceders under the said recited Act, shall continue to pay their several Rates and Contributions under the said recited Act, according to the Class in which they may be, and according as they may be Acceders or Non-acceders respectively; and shall also in case of Promotion or Marriage pay the increased or equalizing Rates as provided in the said recited Act.

Amount of Contributions to be deducted from the Salaries of Contributors.

VIII. And be it further enacted, That the Receiver General of Excise and the respective Collectors of each Collection throughout the United Kingdom shall deduct from the Salary of each Officer, being a Contributor, who may be stationed within the Limits of the Chief Office of Excise or within the Collection of any such Collector respectively, the Amount of the Rates or Contribution payable by such Contributors respectively, according to the Provisions of the said recited Act; and the said Receiver General and Collectors respectively shall enter all Monies received by him or them on account of such Rates or Contributions in his and their Accounts as Money received on account of Contributions to the *Scotch* Excise Incorporation, and all such Monies shall be remitted and paid into the Exchequer to the

the Account of the Duties of Excise, in the same Manner as other Monies received on account of the Duties of Excise are by Law directed to be remitted and paid.

IX. Provided always, and be it further enacted, That it shall be lawful for any Officer of Excise who may be a Contributor, not being married, or if a Widower not having any Child under the Age of Eighteen Years, and who may be desirous of ceasing to be a Contributor, to give Notice in Writing to the Commissioners of Excise of such his Desire to cease contributing, and thereupon the said Commissioners shall make an Order that the Name of such Officer shall be struck out of the List of Contributors; and from thenceforth such Officer shall cease to be a Contributor, and shall not be liable to have any further Deduction made from his Salary on account of any such Rates or Contribution, except any Arrear thereof or any additional or equalizing Rate or Rates on account of Promotion or Marriage shall be due and owing at the Time of giving such Notice, which in such Case it shall be lawful to deduct: Provided always, that every such Notice shall be given Six Weeks at least before the next Quarter Day or Sittings when such Contributor's Salary shall be becoming due, and if not so given, the Deduction at the ensuing Quarter Day or Sittings shall be made.

X. And be it further enacted, That all Annuities which at the passing of this Act shall be payable to the Widows or Children of the deceased Contributors, and all such Annuities as shall hereafter become payable according to the Provisions of the said recited Act to the Widows or Children of the Persons who are continued Contributors by this Act, shall continue and be payable at the augmented Rate of Payment fixed by the Managers of the said Incorporation, and for the lengthened Period in the Case of Children, which was appointed as herein-before recited, in disposing of the Surplus beyond the limited Amount of Capital Stock, and all such Annuities shall be a Charge on the Duties of Excise, and shall be placed to the Account of Incidents of that Department.

XI. And be it further enacted, That it shall be lawful for the Receiver General of Excise, and for the Collector of the several Collections of Excise throughout the United Kingdom, and they are hereby authorized and required, out of any Monies in their Hands, to pay, under the Directions of the said recited Act and of the Commissioners of Excise at each Quarter Day, or at the Sittings after each Quarter Day, the Amount of all such Annuities as shall be due and payable to the Widows or Children of any deceased Contributors that may be resident within the Limits of the Chief Office of Excise, or within the Collection of any such Collector respectively; and the said Receiver General and every such Collector shall charge all such Payments to the Account of Incidents of the Department.

XII. And be it further enacted, That it shall be lawful for the Commissioners of Excise to name and appoint such Person or Persons as they shall deem fit as the Tutors, Curators, or Guardians of such Children of Contributors as shall not have any Tutors, Curators, and Guardians, and also to execute and put in force all such Provisions not hereby repealed of the said recited

Contributors desirous of withdrawing from further Contribution may do so on giving Notice.

Six Weeks Notice to be given.

Annuities now and hereafter to become due to be paid at the augmented Rates and for the lengthened Period.

Annuities to be paid by the Receiver General or Collectors of Excise where the Widows and Children are resident.

Commissioners to appoint Tutors and Guardians to Children, and to carry the recited Acts into effect.

Act as might have been executed and put in force by the Managers of the said Incorporation if this Act had not been passed, and also to make such further Rules, Orders, and Regulations as to them shall seem necessary, expedient, or required for carrying this Act and the Purposes thereof into effect.

So much of the recited Act as is not hereby repealed to remain in force.

XIII. And be it further enacted, That so much of the said recited Act as is not repealed or provided for by this Act shall remain in force, and shall be put in execution by the Commissioners of Excise, until the Death of the last of the said Contributors, and until after the last Payment of any Annuity to which any Person shall be entitled under the said Act and this Act, and shall then cease and determine.

Act may be altered, &c.

XIV. And be it further enacted, That this Act may be repealed, altered, varied, or amended by any Act to be made in this present Session of Parliament.

### SCHEDULE to which this Act refers.

WE, being Three of the Commissioners of Excise, do hereby nominate and appoint

with full Power to collect and call in all Sums of Money and other Property, or other Effects, heritable and moveable, which belonged to the Excise Incorporation of Scotland, and to grant Receipts and Discharges for the same; and also to raise, insist in, and carry on any Action, Suit, or Proceeding for the Recovery of any Sums of Money, Debts heritable and moveable, and other Property belonging to the said Incorporation, and to sell and convert all such Property into Money, and pay over all such Monies to us, according to the Provisions of an Act of Parliament passed in the

Year of the Reign of His Majesty King William the Fourth, intituled "An Act" [*here insert the Title of this Act*].

Signed

### C A P. LXXIII.

An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases.

[9th September 1835.]

2&3 W. 4. c. 123.

‘ WHEREAS by an Act passed in the Second and Third  
 ‘ Years of the Reign of His present Majesty, intituled *An Act for abolishing the Punishment of Death in certain Cases of Forgery*, the Punishment of Death was commuted for that of Transportation for Life in all Cases of Forgery therein mentioned: And whereas since the passing of the said Act Persons accused of Forgery, in consequence of their Crime being no longer Capital, in general apply for and are admitted to Bail, but very frequently abscond and avoid standing their Trial, whereby the Ends of Justice are defeated: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Person or Persons committed for Trial in *Scotland* for any Forgery

No Person committed for Trial for a

Forgery or other Offence which, prior to the passing of the before-mentioned Act, was a Capital Offence, and the Punishment of which is by the said Act limited to and declared to be Transportation for Life, shall be entitled to insist on Liberation on Bail, but without Prejudice to the Liberation of such Person or Persons as heretofore on such Bail as the Public Prosecutor may agree to.

II. Provided always, and be it enacted, That it shall be in the Power of the High Court or Circuit Court of Justiciary in *Scotland* respectively, on the Application of any Person or Persons accused of any Crime which by the before-mentioned Act is declared to be no longer punishable with Death, to admit him or them to the Privilege of Bail, provided it shall appear to the Court to which such Application is made to be consistent with the Ends of Justice to do so; but the Bail so to be taken shall be of such Amount, greater or less than the Maximum fixed by the Statutes applicable to *Scotland* now in force for Crimes that are bailable, as the said Court shall, under the whole Circumstances of the Case, think necessary for insuring the Appearance for Trial of the Person or Persons accused; any Law or Practice to the contrary notwithstanding.

Capital Offence entitled to insist on Liberation on Bail.

High Court or Circuit Court of Justiciary empowered to grant Privilege of Bail when consistent with the Ends of Justice.

### C A P. LXXIV.

An Act for the more easy Recovery of Tithes.

[9th September 1835.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of King *William* the Third, intituled *An Act for the more easy Recovery of Small Tithes*, whereby it was amongst other Things enacted, that Two or more of His Majesty's Justices of the Peace were authorized and required to hear and determine Complaints touching Small Tithes, Oblations, and Compositions substracted or withheld, not exceeding Forty Shillings: And whereas an Act was passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of Ecclesiastical Courts in England, and for the more easy Recovery of Church Rates and Tithes*, whereby the Jurisdiction of the said Justices was extended to all Tithes, Oblations, and Compositions substracted or withheld, where the same should not exceed Ten Pounds in Amount from any One Person: And whereas by an Act of the Seventh and Eighth Years of the Reign of King *William* the Third, Chapter Thirty-four, Provision is made for the Recovery of Great and Small Tithes (not exceeding the Amount of Ten Pounds) due from Quakers, by Distress and Sale, under the Warrant of Two Justices: And whereas by an Act of the First Year of the Reign of King *George* the First, Chapter Six, the Provisions of the said last-mentioned Act were extended, in the Case of Quakers, to all Tithes or Rates, and Customary Rights, Dues, and Payments belonging to any Church or Chapel: And whereas by the said recited Act of the Fifty-third Year of the Reign of King *George* the Third the aforesaid Provisions in relation to Quakers were amended, and were also made applicable to any Amount not exceeding Fifty Pounds: And whereas by an Act of the Parliament of *Ireland*

7 & 8 W. 3. c. 6.

53 G. 3. c. 127.

‘ of the Seventh Year of the Reign of King *George* the Third, Chapter Twenty-one, amended and extended by an Act of the Parliament of the United Kingdom of the Fifty-fourth Year of the Reign of King *George* the Third, Chapter Sixty-eight, similar Provisions are in force in *Ireland* for the Recovery, from Quakers, of Great and Small Tithes, and Customary and other Rights, Dues, and Payments belonging to any Church or Chapel, not exceeding the Amount of Fifty Pounds: And whereas it is highly expedient, and would further tend to prevent Litigation, if, in the Cases and with the Exceptions herein-after mentioned, all Claimants were restricted to the respective Remedies provided by the said recited Acts:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Suit or other Proceeding shall be had or instituted in any of His Majesty’s Courts in *England* now having cognizance of such Matter for or in respect of any Tithes, Oblations, or Compositions withheld, of or under the yearly Value of Ten Pounds (save and except in the Cases provided for in the Two first-recited Acts), but that all Complaints touching the same shall, except in the Case of Quakers, be heard and determined only under the Powers and Provisions contained in the said Two first-recited Acts of Parliament in such and the same Manner as if the same were herein set forth and re-enacted; and that no Suit or other Proceeding shall be had or instituted in any of His Majesty’s Courts either in *England* or *Ireland* now having cognizance of such Matter, for or in respect of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker either in *England* or *Ireland*; but that all Complaints touching the same, if in *England*, shall be heard and determined only under the Powers and Provisions contained in the said recited Acts of the Seventh and Eighth Years of King *William* the Third, Chapter Thirty-four, and the Fifty-third Year of King *George* the Third; and, if in *Ireland* under the said recited Act of the Parliament of *Ireland*, of the Seventh Year of King *George* the Third, and the said recited Act of the Fifty-fourth Year of King *George* the Third, in the same Manner as if the same were herein set forth and re-enacted: Provided always, that nothing herein-before contained shall extend to any Case in which the actual Title to any Tithe, Oblation, Composition, Modus, Due, or Demand, or the Rate of such Composition or Modus, or the actual Liability or Exemption of the Property to or from any such Tithe, Oblation, Composition, Modus, Due, or Demand shall be *bonâ fide* in Question, nor to any Case in which any Suit or other Proceeding shall have been actually instituted before the passing of this Act.

Proceedings for the Recovery of Tithes under 10l. (except in the Case of Quakers) shall be had only under the Powers of the Two first-recited Acts.

Proviso.

Manner of recovering Tithes due from Quakers.

II. And be it enacted, That in case any Suit or other Proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of His Majesty’s Courts in *England* or *Ireland*, for recovering any Great or Small Tithes, Modus or Composition for Tithes, Rate or other Ecclesiastical Demand,

Demand, substracted, unpaid, or withheld by or due from any Quaker, no Execution or Decree or Order shall issue or be made against the Person or Persons of the Defendant or Defendants, but the Plaintiff or Plaintiffs shall and may have his Execution or Decree against the Goods or other Property of the Defendant or Defendants; and in case any Person now is detained in Custody in *England* or *Ireland* under any Execution or Decree in such Suit or Proceeding, the Sheriff or other Officer having such Person in his Custody shall forthwith discharge him therefrom; and the Plaintiff or Plaintiffs in such Suit or Proceeding shall and may, notwithstanding such Discharge, issue any other Execution or take any other Proceeding for recovering his Demand and his Costs out of the Property, Real or Personal, of the Person so discharged.

## C A P. LXXV.

An Act for the Amendment of the Law as to the tithing of Turnips in certain Cases. [9th September 1835.]

‘ **W**HEREAS it is frequently convenient and necessary, in  
 ‘ the Agistment of Turnips by Sheep or Cattle, to sever  
 ‘ the Turnips from the Ground, in order that they may be the  
 ‘ more easily and completely consumed, and thereby to prevent  
 ‘ Waste, and it is not reasonable that such Severance should  
 ‘ vary or affect the Payment of Tithe:’ Be it therefore enacted  
 by the King’s most Excellent Majesty, by and with the Advice  
 and Consent of the Lords Spiritual and Temporal, and Commons,  
 in this present Parliament assembled, and by the Authority of  
 the same, That from and after the passing of this Act, in all  
 Cases where Turnips shall be severed in the Manner and for the  
 Purpose aforesaid, and shall be eaten on the Ground by Sheep  
 or Cattle, and not otherwise removed, the same shall be subject  
 to the Payment of Tithe in the same Manner and to the same  
 Extent as if they had been eaten by such Sheep or Cattle without  
 having been so severed as aforesaid, and no farther or otherwise.

Turnips severed  
 from the Land,  
 if consumed on  
 the same, sub-  
 ject to Tithe as  
 if not so severed.

## C A P. LXXVI.

An Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*. [9th September 1835.]

‘ **W**HEREAS divers Bodies Corporate at sundry Times have  
 ‘ been constituted within the Cities, Towns, and Boroughs  
 ‘ of *England* and *Wales*, to the Intent that the same might for  
 ‘ ever be and remain well and quietly governed; and it is ex-  
 ‘ pedient that the Charters by which the said Bodies Corporate  
 ‘ are constituted should be altered in the Manner herein-after  
 ‘ mentioned;’ be it therefore enacted by the King’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  
 all Laws, Statutes, and Usages, and so much of all Royal and  
 other Charters, Grants, and Letters Patent now in force relating  
 to the several Boroughs named in the Schedules (A.) and (B.)  
 to this Act annexed, or to the Inhabitants thereof, or to the

Repeal of all  
 Acts, Charters,  
 and Customs  
 inconsistent  
 with this Act.

several Bodies or reputed Bodies Corporate named in the said Schedules, or any of them, as are inconsistent with or contrary to the Provisions of this Act, shall be and the same are hereby repealed and annulled.

Reservation of  
all Rights of  
Property and  
beneficial Ex-  
emptions to  
Freemen, their  
Wives and  
Children.

II. ' And whereas in divers Cities, Towns, and Boroughs the Common Lands and Public Stock of such Cities, Towns, and Boroughs, and the Rents and Profits thereof, have been held and applied for the particular Benefit of the Citizens, Freemen, and Burgesses of the said Cities, Towns, and Boroughs respectively, or of certain of them, or of the Widows or Kindred of them, or certain of them, and have not been applied to public Purposes; be it therefore enacted, That every Person who now is or hereafter may be an Inhabitant of any Borough, and also every Person who has been admitted or who might hereafter have been admitted a Freeman or Burgess of any Borough if this Act had not been passed, or who now is or hereafter may be the Wife or Widow or Son or Daughter of any Freeman or Burgess, or who may have espoused or may hereafter espouse the Daughter or Widow of any Freeman or Burgess, or who has been or may hereafter be bound an Apprentice, shall have and enjoy and be entitled to acquire and enjoy the same Share and Benefit of the Lands, Tenements, and Hereditaments, and of the Rents and Profits thereof, and of the Common Lands and Public Stock of any Borough or Body Corporate, and of any Lands, Tenements, and Hereditaments, and any Sum or Sums of Money, Chattels, Securities for Money, or other Personal Estate, of which any Person or any Body Corporate may be seised or possessed in whole or in part for any charitable Uses or Trusts, as fully and effectually, and for such Time and in such Manner, as he or she by any Statute, Charter, Bye Law, or Custom in force at the Time of passing this Act might or could have had, acquired, or enjoyed in case this Act had not been passed: Provided always, that the total Amount to be divided amongst the Persons whose Rights are herein reserved in this Behalt shall not exceed the Surplus which shall remain after Payment of the Interest of all lawful Debts chargeable upon the Real or Personal Estate out of which the Sums so to be divided have arisen, together with the Salaries of Municipal Officers, and all other lawful Expences which, on the Fifth Day of *June*, were defrayed out of or chargeable upon the same: Provided also, that nothing hereinbefore contained shall be construed to apply to any Claim, Right, or Title of any Burgesses or Freemen, or of any Person, to any Discharge or Exemption from any Tolls or Dues levied wholly or in part by or to the Use or Benefit of any Borough or Body Corporate; and that after the passing of this Act no Person shall have or be entitled to claim thenceforward any Discharge or Exemption from any Tolls or Dues lawfully levied in whole or in part by or to the Use of any Body Corporate, except as herein after is excepted: Provided nevertheless, that every Person who, on the Fifth Day of *June* in this present Year, was an Inhabitant, or was or was entitled to be admitted a Freeman or Burgess of any Borough, or who on the said Fifth Day of *June* was the Wife or Widow, Son or Daughter of any Freeman or Burgess of any Borough, or who on the said Fifth Day of *June* was bound



an Apprentice, shall be entitled to have or acquire and enjoy the same Discharge or Exemption from any Tolls or Dues lawfully levied in whole or in part by or to the Use of any Borough or Body Corporate as fully and for such Time and in such Sort as he or she, by any Statute, Charter, Bye Law, or Custom in force on the said Fifth Day of *June*, might or would have had, acquired, and enjoyed the same if this Act had not been passed, and no further or otherwise: Provided also, that where, by any Statute, Charter, Bye Law, or Custom in force within any Borough at the Time of passing this Act, any Person whose Rights in this Behalf are herein reserved would have been liable in case this Act had not been passed to pay any Fine, Fee, or Sum of Money to any Body Corporate, or to any Member, Officer, or Servant of any Body Corporate, in consideration of his Freedom, or of his or her Title to such Rights as are herein reserved, no such Person shall be entitled to have or claim any Share or Benefit in respect of the Rights herein reserved as aforesaid until he or she shall have paid the full Amount of such Fine, Fee, or Sum of Money to the Treasurer of such Borough, appointed under the Provisions of this Act, on account of the Borough Fund hereinafter mentioned: Provided also, that nothing in this Act contained shall be construed to entitle any Person to any Share or Benefit of the Rights herein reserved who shall not have first fulfilled every Condition which, if this Act had not passed, would have been a Condition precedent to his or her being entitled to the Benefit of such Rights, so far as the same is capable of being fulfilled according to the Provisions of this Act, or to strengthen, confirm, or affect any Claim, Right, or Title of any Burgesses or Freemen of any Borough or Body Corporate, or of any Person, to the Benefit of any such Rights as are herein-before reserved, but the same in every Case may be brought in question, impeached, and set aside in like Manner as if this Act had not been passed.

III. Provided always, and be it enacted, That from and after the passing of this Act no Person shall be elected, made, or admitted a Burgess or Freeman of any Borough by Gift or Purchase.

No Freedom by Gift, &c.

IV. ' And whereas the Right of voting in the Election of Members to serve in Parliament was by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People of England and Wales*, preserved to all Persons who then were or thereafter might become Freemen or Burgesses of any City or Borough, subject to the Conditions and Provisions in that Act contained; be it therefore enacted, That every Person who if this Act had not been passed would have enjoyed, as a Burgess or Freeman, or might hereafter have acquired, in respect of Birth or Servitude, as a Burgess or Freeman, the Right of voting in the Election of a Member or Members to serve in Parliament for any City or Borough, shall be entitled to enjoy or acquire such Right of voting as fully as if this Act had not been passed; and the Town Clerk of every City or Borough returning a Member or Members to Parliament shall at all Times hereafter do and perform all Things appertaining to the due Registration of the Freemen or Bur-

2 W. 4. c. 45.

Reservation of the Parliamentary Franchise to Freemen.

gesses of such City or Borough according to the Provisions of the said Act.

Freemen's Roll to be made out and kept by the Town Clerk.

V. And be it enacted, That the Town Clerk of every Borough shall on or before the First Day of *December* next make out a List, to be called "The Freemen's Roll," of all Persons who at the Time of the passing of this Act shall have been admitted as Burgesses or Freemen of such Borough; and that whenever any Person shall hereafter become entitled to be admitted a Burgess or Freeman for the Purposes aforesaid of such Borough in respect of Birth, Servitude, or Marriage, and shall claim to be admitted accordingly, the Mayor of such Borough shall examine into such Claim, and upon such Claim being established every such Person shall thereupon be admitted and enrolled by the Town Clerk of such Borough upon the Freemen's Roll; and the Town Clerk shall keep a true Copy of such Roll, to be perused by any Person without Payment of any Fee at all reasonable Times, and shall deliver a Copy thereof to any Person requiring the same, on Payment of a reasonable Price for such Copy.

Corporations to be styled Mayor, Aldermen, and Burgesses.

VI. And be it enacted, That after the First Election of Councillors under this Act in any Borough the Body or reputed Body Corporate named in the said Schedules in connexion with such Borough shall take and bear the Name of the Mayor, Aldermen, and Burgesses of such Borough, and by that Name shall have perpetual Succession, and shall be capable in Law, by the Council herein-after mentioned of such Borough, to do and suffer all Acts which now lawfully they and their Successors respectively may do and suffer by any Name or Title of Incorporation; and the Mayor of each of the said Boroughs shall be capable in Law to do and suffer all Acts which the Chief Officer of such Borough may now lawfully do and suffer, so far as the same respectively are not altered or annulled by the Provisions of this Act.

Boundaries of certain Boroughs to be those settled by 2 & 3 W. 4. c. 64.

VII. And be it enacted, That after the passing of this Act the Metes and Bounds of the several Boroughs named in the First Section of the said Schedules (A.) and (B.) for the Purposes of this Act shall be the same as the Limits thereof respectively settled and described in an Act passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to settle and describe the Divisions 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*; and the Metes and Bounds of the several Boroughs named in the Second Section of the said Schedules for the Purposes of this Act shall be and remain as the same are now taken to be until such Time as Parliament shall otherwise direct: Provided nevertheless, that notwithstanding any thing herein contained no Parish or Place, or Part of any Parish or Place, which is detached from the main Part of such Borough or County of a City or Town Corporate, shall after the passing of this Act be included within any such Borough or County; and, subject to this Provision, the Metes and Bounds of every such Borough and County shall include the whole of the Liberties of such Borough or County by Land and by Water as the same now are or are taken to be.

Boundaries of other Boroughs to remain until altered by Parliament.

Every Place included within the Bounds of a

VIII. And be it enacted, That every Place and Precinct which shall be included within the Metes and Bounds of any Borough

as herein-before provided, and none other, shall be Part of such Borough, and in those Boroughs which are Counties of themselves shall be Part of such County and of none other; and in every Case in which the Metes and Bounds of any Borough or County under the Provisions of this Act shall not include any Place or Precinct which before the passing of this Act was Part of such Borough or County, such Place or Precinct shall thenceforward be taken to be Part of the County wherein such Place or Precinct is situated, or with which it has the longest common Boundary: Provided nevertheless, that if any such Place or Precinct shall have been liable before the passing of this Act to contribute to any Rate made for the Purpose of satisfying any lawful Debt to which the Rate-payers of such Borough or County were liable to contribute before the passing of this Act, and in case any Difference shall arise concerning the Proportion of such Debt as ought therefore to be paid and contributed in respect of such Place or Precinct, it shall be lawful for the senior Justice of Assize for the County of which such Place or Precinct shall thenceforward be taken to be Part, on his Circuit, on the Application of the Council of such Borough, or of the Chairman of a public Meeting of the Rate-payers of such Place or Precinct, to appoint, by Writing under his Hand, a Barrister not having any Interest in the Question to arbitrate between the Parties, and by his Award under his Hand and Seal to assess the Proportion, if any, of such Debt as ought therefore to be paid and contributed in respect of such Place or Precinct; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom, and in what Proportion, and out of what Fund, the same shall be paid; and such Rate as aforesaid shall continue to be levied by Warrant of the Council of such Borough, and paid by such Place or Precinct, as if this Act had not passed, until such Proportion shall have been fully paid and satisfied to the Treasurer of the Borough, and no longer: Provided nevertheless, that every County Gaol, House of Correction, or Lunatic Asylum, Court of Justice, or Judge's Lodging, which at the Time of the passing of this Act is taken to be for any Purpose within any County, shall still, for all such Purposes, be taken to be within such County, any thing herein contained to the contrary notwithstanding.

IX. And be it enacted, That every Male Person of full Age who on the last Day of *August* in any Year shall have occupied any House, Warehouse, Counting-house, or Shop within any Borough during that Year and the whole of each of the Two preceding Years, and also during the Time of such Occupation shall have been an Inhabitant Householder within the said Borough, or within Seven Miles of the said Borough, shall, if duly enrolled in that Year according to the Provisions herein-after contained, be a Burgess of such Borough and Member of the Body Corporate of the Mayor, Aldermen, and Burgesses of such Borough: Provided always, that no such Person shall be so enrolled in any Year, unless he shall have been rated in respect of such Premises so occupied by him within the Borough to all Rates made for the Relief of the Poor of the Parish wherein such Premises are situated during the Time of his Occupation as aforesaid, and unless he shall have paid on or before the last Day of *August*

Borough to be Part of such Borough; and Parts cut off from the Borough to be declared Part of adjoining County.

Occupiers of Houses and Shops rated for 3 Years to the Relief of the Poor, entitled to be Burgesses, if resident Householders within Seven Miles.

as aforesaid all such Rates, including therein all Borough Rates, if any, directed to be paid under the Provisions of this Act, as shall have become payable by him in respect of the said Premises, except such as shall become payable within Six Calendar Months next before the said last Day of *August*: Provided also, that the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same Premises or in the same Parish, but may be different Premises in the same Parish or in different Parishes: Provided also, that no Person being an Alien shall be so enrolled in any Year, and that no Person shall be so enrolled in any Year who within Twelve Calendar Months next before the said last Day of *August* shall have received Parochial Relief or other Alms, or any Pension or charitable Allowance from any Fund intrusted to the charitable Trustees of such Borough herein-after mentioned: Provided that in every Case provided in this Act the Distance of Seven Miles shall be computed by the nearest public Road or Way by Land or Water.

Aliens and Persons who have received Parochial Relief not to be enrolled.

Medical Assistance, &c. not to disqualify.

X. And be it enacted, That no Medical or Surgical Assistance given by the charitable Trustees of any Borough shall be taken to be such charitable Allowance as shall disqualify any Person from being enrolled a Burgess as aforesaid; nor shall any Person be so disqualified by reason that any Child of such Person shall have been admitted and taught within any public or endowed School.

Occupiers may claim to be rated.

XI. And be it enacted, That in every Borough it shall be lawful for any Person occupying any House, Warehouse, Counting-house or Shop to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, and actually paying or tendering the full Amount of the last made Rate then payable in respect of such Premises, the Overseers of the Parish in which such Premises are situate are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case such Overseer shall neglect or refuse so to do such Occupier shall nevertheless, for the Purposes of this Act, be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the Landlord shall be liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord, but in case the Tenant who shall have been rated for such Premises in consequence of any such Claim as aforesaid shall make default in the Payment of the Poor's Rate payable in respect thereof such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

In case of Titles by Descent, &c how the Occupation is to be reckoned.

XII. And be it enacted, That where any House, Warehouse, Counting-house, or Shop in any Borough shall come to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled

to reckon the Occupancy and Rating, in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, or Shop shall have so come to him, as his own Occupancy and Rating conjointly with the Time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess in respect of such successive Occupancy and Rating, provided he shall be otherwise qualified as herein provided.

XIII. And be it enacted, That after the passing of this Act no Person shall be enrolled a Burgess of any Borough, for the Purpose of enjoying the Rights conferred for the first Time by this Act, in respect of any Title other than by Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of this Act.

No new Burgesses to be admitted, &c.

XIV. ' And whereas in divers Cities, Towns, and Boroughs a certain Custom hath prevailed, and certain Bye Laws have been made, that no Person, not being free of a City, Town, or Borough, or of certain Guilds, Mysteries, or Trading Companies within the same, or some or one of them, shall keep any Shop or Place for putting to Show or Sale any or certain Wares or Merchandize by way of Retail or otherwise, or use any or certain Trades, Occupations, Mysteries, or Handicrafts for Hire, Gain, or Sale within the same; be it enacted, That notwithstanding any such Custom or Bye Law, every Person in any Borough may keep any Shop for the Sale of all lawful Wares and Merchandizes by Wholesale or Retail, and use every lawful Trade, Occupation, Mystery, and Handicraft, for Hire, Gain, Sale, or otherwise, within any Borough.

Exclusive Rights of Trading abolished.

XV. And be it enacted, That on the Fifth Day of *September* in every Year the Overseers of the Poor of every Parish wholly or in part within any Borough shall make out an Alphabetical List, to be called "The Burgess List," according to the Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons who shall be entitled to be enrolled in the Burgess Roll of that Year, according to the Provisions of this Act, in respect of Property within such Parish; and the Overseers shall sign such Burgess Lists, and shall deliver the same to the Town Clerk of the Borough on the said Fifth Day of *September* in every Year, and shall keep a true Copy of such Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Fifth and Fifteenth Days of *September* in every Year; and the Town Clerk shall forthwith cause Copies to be printed of all Overseers Lists delivered to him, and shall deliver a Copy of all such Lists to any Person requiring the same, on Payment of a reasonable Price for each Copy, and shall cause a Copy of all such Lists to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Situation within the Borough, on every Day during the Week next preceding the Fifteenth Day of *September* in every Year.

Overseers to make Lists of all Persons entitled to be Burgesses in their respective Parishes.

XVI. Provided always, and be it enacted, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be dead or incapable of acting, all Matters by this Act required to be done by and with regard to the Town Clerk shall be done by and with regard to the Person executing Duties

As to Boroughs in which there is no Town Clerk.

in such Borough similar to those of Town Clerk, and if there be no such Person, or if such Person shall be dead or incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that Behalf: Provided always, that every Precinct or Place, whether Extra-parochial or otherwise, which shall have no Overseers, shall, for the Purpose of making out such Lists as aforesaid, be deemed within the Parish adjoining thereto, such Parish being wholly or in part situate within the same Borough as such Precinct or Place, and if such Precinct or Place shall adjoin Two or more Parishes so situate as aforesaid it shall be deemed to be within the least populous of such Parishes according to the last Census for the Time being; and the Overseers of the Poor of every such Parish shall insert in the List for their Parish the Names of all Persons who would have been entitled to be inserted in the Lists for such Precinct or Place if such Precinct or Place had had Overseers or been rated to the Maintenance of the Poor.

As to Precincts, &c. where there are no Overseers.

Persons omitted in the Overseers Lists to give Notice, &c.

Notices as to Persons not entitled to be retained in the Lists.

Lists of Claimants, and of Persons objected to, to be published, &c.

Mayor and Assessors to revise Lists, and to insert and expunge Names.

XVII. And be it enacted, That every Person whose Name shall have been omitted in any such Burgess List, and who shall claim to have his Name inserted therein, shall, on or before the Fifteenth Day of *September* in every Year, give Notice thereof to the Town Clerk in Writing, according to the Form No. 2. in the said Schedule (D.), or to the like Effect; and every Person whose Name shall have been inserted in any Burgess List for any Borough may object to any other Person as not being entitled to have his Name retained in the Burgess List for the same Borough, and every Person so objecting shall, on or before the Fifteenth Day of *September* in every Year, give to the Town Clerk of such Borough, and also give to the Person objected to, or leave at the Premises for which he shall appear to be rated in the Burgess List, Notice thereof in Writing according to the Form Number 3. in the said Schedule (D.) or to the like Effect; and every Town Clerk shall include the Names of all Persons so claiming to be inserted on the Burgess List in a List according to the Form Number 8. in the said Schedule (D.) and shall include the Names of all Persons so objected to as not entitled to be retained on the Burgess List in a List according to the Form Number 5. in the said Schedule (D.), and shall cause Copies of such several Lists to be fixed on or near the outer Door of the Town Hall or in some public and conspicuous Situation within such Borough during the Eight Days next preceding the First Day of *October* in every Year; and the Town Clerk shall likewise keep a Copy of the Names of all Persons so claiming as aforesaid, and also a Copy of the Names of all Persons so objected to as aforesaid, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the Eight Days, *Sunday* excepted, next preceding the First Day of *October* in every Year, and shall deliver a Copy of each of such Lists to any Person requiring the same, on Payment of a Sum not exceeding One Shilling for each Copy.

XVIII. And be it enacted, That the Mayor and the Two Assessors herein-after mentioned, to be chosen in every Year by the Burgesses of every Borough, shall hold an open Court within such Borough, for the Purpose of revising the said Burgess Lists

at some Time between the First Day of *October* inclusive and the Fifteenth Day of *October* inclusive in the Year One thousand eight hundred and thirty-six, and every succeeding Year, having first given Three clear Days Notice of the holding of such Court, to be fixed on or near the outer Door of the Town Hall or in some public and conspicuous Situation within the Borough; and the Town Clerk of every such Borough shall, at the opening of the Court, produce the said Lists, and a Copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the Overseers, Vestry Clerks, and Collectors of Poor's Rates of every Parish wholly or in part within every such Borough shall attend the Court, and shall answer upon Oath all such Questions as the Court may put to them or any of them touching any Matter necessary for revising the Burgess Lists; and the Mayor shall insert in such Lists the Name of every Person who shall be proved, to the Satisfaction of the Court, to be entitled to be inserted therein, according to the Provisions of this Act, and shall retain on the said List the Names of all Persons to whom no Objection shall have been duly made, and shall also retain on the said Lists the Name of every Person who shall have been objected to by any Person, unless the Party so objecting shall appear by himself or by some one on his Behalf in support of such Objection; and where the Name of any Person inserted in any one of the said Lists shall have been duly objected to, and the Person objecting shall appear by himself or by some one on his Behalf in support of such Objection, the Court shall require Proof of the Qualification of the Person so objected to; and in case the Qualification of such Person shall not be proved to the Satisfaction of the Court the Mayor shall expunge the Name of every such Person from the said Lists, and he shall also expunge from the said Lists the Name of every Person who shall be proved to the Court to be dead, and shall correct any Mistake or supply any Omission which shall be proved to the Court to have been made in any of the said Lists in respect of the Name or Place of Abode of any Person who shall be included in any such List, or in respect of the local Description of his Property: Provided always, that no Person's Name shall be inserted by the Mayor in any such List, or shall be expunged therefrom, except in the Case of Death, unless Notice shall have been given as is herein-before required in each of the said Cases.

XIX. And be it enacted, That every Mayor holding any Court under this Act for the Revision of the said Lists shall have Power to adjourn the same from Time to Time, so that no such adjourned Court shall be held after the Fifteenth Day of *October* in any Year, and shall have Power to require any Overseer, or Person having the Custody of any Book containing any Rate made for the Relief of the Poor during that or any preceding Year, in any Parish wholly or in part within the Borough, to produce the same and allow the same to be inspected at any Court to be held for Revision of the Burgess Lists, and shall have Power to administer an Oath to the Town Clerk and to the Overseers, and to all Persons claiming to be inserted in or making Objection to the Omission or Insertion of any Name in any of the said Lists, and to all Persons objected to in any of such Lists, and

Power to  
Mayor, &c. of  
adjourning, of  
administering  
Oaths, &c.

Mayor shall  
sign the Lists  
in open Court.

and to all Persons claiming to have any Mistake in any of such Lists corrected, and to all Witnesses who may be tendered or examined on either Side; and the Mayor and Assessors shall, upon the Hearing in open Court, determine upon the Validity of such Claims and Objections, and the Mayor shall, in open Court, write his Initials against the Names respectively struck out or inserted, and against any Part of the said Lists in which any Mistakes shall have been corrected, and shall sign his Name to every Page of the several Lists so settled.

Barristers to be  
appointed to  
revise Lists in  
the first Year.

XX. And be it enacted, That the senior Judge, or in case of his Absence from the Kingdom the next Judge, in the Commission of Assize for the Summer Circuit in this Year for every County, shall, before the last Day of *September* in this Year, appoint so many Barristers as the said Judge shall deem necessary to revise the Lists of Burgesses of every Borough in or adjoining to such County; and the Town and County of the Town of *Kingston-upon-Hull* shall for this Purpose be considered as next adjoining to the County of *York*, and the Town of *Berwick-upon-Tweed* and Town and County of the Town of *Newcastle-upon-Tyne* as next adjoining to the County of *Northumberland*, and the City and County of the City of *Bristol* as next adjoining to the County of *Somerset*; and the said Judge shall have Power to appoint One or more Barristers to revise the Lists for the same Borough, and the same Barrister to revise the Lists of more than One Borough; and the Barrister so appointed to any Borough shall for that Purpose, during this Year, be in the Place and Stead of the Mayor and Assessors of such Borough, and shall revise the Lists of Burgesses in this Year in the Manner herein-before enacted concerning the Mayor and Assessors in every succeeding Year; and if it shall be made to appear to the said Judge that for any Cause such Lists cannot be revised within the Period directed by this Act, it shall be lawful for such Judge and he is hereby required to appoint One or more Barristers to act in the Place of or in addition to those originally appointed; and every such Barrister so subsequently appointed shall have the same Power as if originally appointed; and every Barrister appointed to revise any Lists under this Act shall be paid at the Rate of Five Guineas for every Day that he shall be so employed over and above his travelling and other Expences; and every such Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the Lords Commissioners of His Majesty's Treasury for the Time being a Statement of the Number of Days during which he shall have been so employed in each Borough, and an Account of the Travelling and other Expences incurred by him in respect of such Employment; and the said Lords Commissioners shall make an Order for the Amount to be paid to such Barrister out of the Consolidated Fund: Provided nevertheless, that as soon as a Council shall be chosen in any Borough under the Provisions of this Act the said Lords Commissioners shall make an Order on the Council of such Borough for the Amount of daily Salary herein-before enacted to be paid to such Barrister during the Time that he shall have been employed in revising the Lists of such Borough; and the Council of such Borough shall forthwith cause the same to be repaid to the



said Lords Commissioners out of the Borough Fund of such Borough; and the same, if not paid, shall be deemed to be a Debt due to His Majesty, and recoverable as such.

XXI. And be it enacted, That every Person authorized by Law to make an Affirmation instead of taking an Oath shall make such Affirmation in every Case in which by this Act an Oath is required to be taken; and if any Person taking any Oath required by this Act, or making any Affirmation instead of taking such Oath, shall wilfully swear or affirm falsely, such Person shall be deemed guilty of Perjury, and shall be punished accordingly.

Affirmation  
may be substi-  
tuted for Oath.

XXII. And be it enacted, That the Burgess Lists, so revised and signed as last aforesaid, shall be delivered by the Mayor to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Burgess Lists to be fairly and truly copied into one general Alphabetical List in a Book to be by him provided for that Purpose, with every Name therein numbered, beginning the Numbers from the first Name, and continuing them in a regular Series to the last Name, and shall cause such Books to be completed on or before the Twenty-second Day of *October* in every Year, and shall deliver such Books, together with the Lists, at the Expiration of his Office, to the Person succeeding him in such Office; and every such Book in which the said Burgess Lists shall have been copied shall be the Burgess Roll of the Burgesses of such Borough entitled to vote, after the passing of this Act, in the Choice of the Councillors, Assessors, and Auditors of such Borough, as herein-after mentioned, at any Election which may take place in such Borough between the First Day of *November* inclusive in the Year wherein such Burgess Roll shall have been made and the First Day of *November* in the succeeding Year; provided that no Stamp Duty shall be payable in respect of the Admission, Registry, or Enrolment of any Burgess, according to the Provisions of this Act.

Revised Bo-  
rough Lists to  
be kept by the  
Town Clerk,  
and copied into  
Books, with  
the Names  
numbered.

Such Book to  
be the Roll of  
Burgesses  
entitled to vote.

No Stamp Duty  
on Enrolment.

XXIII. And be it enacted, That the Town Clerk of every Borough shall cause to be written or printed Copies of the Burgess Roll in every Year, and shall deliver such Copies to all Persons applying for the same, on Payment of a reasonable Price for each Copy; and the Monies arising from the Sale thereof, and of the Overseers Lists, and of the Lists of Claims and Objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund herein-after mentioned.

Copies of the  
Burgess Roll  
to be printed  
for Sale.

XXIV. And be it enacted, That the said Council of every Borough shall take an Account of the reasonable Expences incurred by the Overseers of the Poor in carrying into effect the several Provisions of this Act so far as relates to the said Lists, and shall order the Treasurer of the said Borough to pay the same out of the Borough Fund of the said Borough.

Expences of  
Overseers how  
to be defrayed.

XXV. And be it enacted, That in every Borough shall be elected, at the Time and in the Manner herein-after mentioned, One fit Person, who shall be and be called "The Mayor" of such Borough; and a certain Number of fit Persons, who shall be and be called "Aldermen" of such Borough; and a certain Number of other fit Persons, who shall be and be called "The Councillors" of such Borough; and such Mayor, Aldermen, and Councillors

Mayor, Alder-  
men, and  
Councillors to  
be chosen in  
every Borough,  
who together  
shall constitute  
the Council of  
the Borough.

Councillors for the Time being shall be and be called "The Council" of such Borough; and the Number of Persons so to be elected Councillors of such Borough shall be the Number of Persons in that Behalf mentioned in conjunction with the Name of such Borough in the Schedules (A.) and (B.) to this Act annexed; and the Number of Persons so to be elected Aldermen shall be One Third of the Number of Persons so to be elected Councillors; and on the Ninth Day of *November* in this present Year the Councillors first to be elected under the Provisions of this Act, and on the Ninth Day of *November* in the Year One thousand eight hundred and thirty-eight, and in every Third succeeding Year, the Council for the Time being of every Borough shall elect from the Councillors, or from the Persons qualified to be Councillors, the Aldermen of such Borough, or so many as shall be needed to supply the Places of those who shall then go out of Office according to the Provisions herein-after contained; and that upon the Ninth Day of *November* in the Year One thousand eight hundred and thirty-eight, and in every Third succeeding Year, One Half of the Number appointed as aforesaid to be the whole Number of the Aldermen of every Borough shall go out of Office; and the Councillors immediately after the first Election of Aldermen shall appoint who shall be the Aldermen who shall go out of Office in the Year One thousand eight hundred and thirty-eight, and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election: *Provided always*, that any Aldermen so going out of Office may be forthwith re-elected, if then qualified as herein provided; *provided also*, that the Aldermen so going out of Office shall not be entitled to vote in the Election of a new Alderman.

Mayor and Aldermen to continue Members of Council.

XXVI. And be it enacted, That the Mayor and Aldermen shall, during their respective Offices, continue to be Members of the Council of the Borough, notwithstanding any thing herein-after contained as to Councillors going out of Office at the End of Three Years.

Future Vacancies in the Office of Aldermen how to be filled up.

XXVII. And be it enacted, That whenever any extraordinary Vacancy shall take place in the Office of Alderman of any Borough, the Council of such Borough shall, within Ten Days after such Vacancy shall occur, on a Day to be fixed by the Mayor for such Purpose, elect some other fit Person to fill such Vacancy, either from the Councillors or from the Persons qualified to be Councillors; and in case any Councillor shall be elected to fill the Office of Alderman, then the Vacancy which will thereby be occasioned in the Council shall be filled up at the Time and in the Manner herein-after directed; and every Person so elected an Alderman to fill an extraordinary Vacancy shall hold such Office until the Time when the Person in the Room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but may be re-elected if then qualified as herein provided.

Who are not qualified to be chosen Mayor or Councillor.

XXVIII. And be it enacted, That no Person being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be qualified to be elected or to be a Councillor of any such Borough or an Alderman of any such Borough, nor shall any

any Person be qualified to be elected or to be a Councillor or an Alderman of any such Borough who shall not be entitled to be on the Burgess List of such Borough, nor unless he shall be seised or possessed of Real or Personal Estate or both to the following Amount, that is to say, in all Boroughs directed by this Act to be divided into Four or more Wards to the Amount of One thousand Pounds, or be rated to the Relief of the Poor of such Borough upon the annual Value of not less than Thirty Pounds, and in all Boroughs directed to be divided into less than Four Wards, or which shall not be divided into Wards, to the Amount of Five hundred Pounds, or be rated to the Relief of the Poor in such Borough upon the annual Value of not less than Fifteen Pounds, or during such Time as he shall hold any Office or Place of Profit, other than that of Mayor, in the Gift or Disposal of the Council of such Borough, or during such Time as he shall have directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of such Council; provided that no Person shall be disqualified from being a Councillor or Alderman of any Borough as aforesaid by reason of his being a Proprietor or Shareholder of any Company which shall contract with the Council of such Borough for lighting or supplying with Water or insuring against Fire any Part of such Borough.

XXIX. And be it enacted, That every Burgess of any Borough who shall be enrolled on the Burgess Roll for the Time being of such Borough shall be entitled to vote in the Election of Councillors and of the Auditors and Assessors herein-after mentioned for such Borough, and no Person who shall not be enrolled in such Burgess Roll for the Time being shall have any Voice or be entitled to vote in any such Election.

Who shall vote  
in the Election  
for Councillors.

XXX. And be it enacted, That upon the First Day of *November* in every Year the Burgesses so enrolled in every Borough shall openly assemble and elect from the Persons qualified to be Councillors the Councillors of such Borough, or such Part of them as shall be needed to supply the Places of those who shall then go out of Office: Provided nevertheless, that whenever any Day by this Act appointed for any Purpose shall in any Year happen on a *Sunday*, in every such Case the Business so appointed to be done shall take place on the *Monday* following.

Councillors to  
be chosen on  
the 1st Nov. in  
every Year.

XXXI. And be it enacted, That upon the First Day of *November* One thousand eight hundred and thirty-six, and in every succeeding Year, One Third Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Borough shall go out of Office; and in the said Year One thousand eight hundred and thirty-six those who shall go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Numbers of Votes in this present Year, and in the next Year, One thousand eight hundred and thirty-seven, those who shall so go out of Office shall be the Councillors who were elected under the Provisions of this Act by the next smallest Numbers of Votes in this present Year, the Majority of the whole Council always determining, when the Votes for any such Persons shall have been equal, who shall be the Persons so to go out of Office; and thereafter those who shall

One Third Part  
of the Council  
to go out of  
Office annually.

so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election : Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified, as herein provided.

Elections to be held before Mayor and Assessors.

XXXII. And be it enacted, That every Election of Councillors within any Borough according to the Provisions of this Act shall be held before the Mayor and Assessors for the Time being of such Borough, except as herein is excepted; and the voting at every such Election shall commence at Nine o'Clock in the Forenoon, and shall finally close at Four o'Clock in the Afternoon of the same Day, and shall be conducted in manner following; that is to say, every Burgess entitled to vote in the Election of Councillors may vote for any Number of Persons not exceeding the Number of Councillors then to be chosen, by delivering to the Mayor and Assessors or other presiding Officer as herein-after mentioned a Voting Paper, containing the Christian Names and Surnames of the Persons for whom he votes, with their respective Places of Abode and Descriptions, such Paper being previously signed with the Name of the Burgess voting, and with the Name of the Street, Lane, or other Place in which the Property for which he appears to be rated on the Burgess Roll is situated.

Polling Booths to be provided.

XXXIII. And be it enacted, That at every Election in any Borough the Mayor, if it shall appear to him expedient for taking the Poll at such Election, may cause Booths to be erected, or Rooms to be hired and used as such Booths, for different Parts of such Borough, which may be situated either in one Place or in several Places, and shall be so divided and allotted into Compartments as to the Mayor shall seem most convenient; and the Mayor shall appoint a Clerk to take the Poll at each Compartment, and shall cause to be affixed on the most conspicuous Part of each of the said Booths the Names of the Parts for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such Election except at the Booth allotted for the Part wherein the House, Warehouse, Counting-house, or Shop occupied by him as described in the Burgess Roll may be; but in case no Booth shall happen to be provided for any particular Part as aforesaid the Votes of the Persons voting in respect of Property situate in any Part so omitted may be taken at any of the said Booths; and public Notice of the Situation, Division, and Allotments of the different Booths shall be given Two Days before the Commencement of the Poll by the Mayor; and in case the Booths shall be situated in different Places the Mayor may appoint a Deputy to preside at each Place: Provided also, that no Election shall be holden under this Act in any Borough in any Church, Chapel, or other Place of Public Worship.

No Inquiry of the Voter except as to his Identity, and whether he has voted before at the same Election.

XXXIV. And be it enacted, That no Inquiry shall be permitted at any Election as to the Right of any Person to vote as a Burgess in any Borough, except only as follows; (that is to say,) that the Mayor or other presiding Officer shall, if required by any Two Burgesses entitled to vote in the same Borough, put to any Voter at the Time of his delivering in his Voting Paper, and not afterwards, the following Questions, or any of them, and no other :

1. Are you the Person whose Name is signed as *A. B.* to the Voting Paper now delivered in by you ?
2. Are you the Person whose Name appears as *A. B.* on the Burgess Roll now in force for this Borough, being registered therein as rated for Property described to be situated in \_\_\_\_\_ ? [*Here specify the Street, &c., as described in the Burgess Roll.*]
3. Have you already voted at the present Election ?

Forms of Questions as to these Points.

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same ; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

XXXV. And be it enacted, That the Mayor and Assessors shall examine the Voting Papers so delivered as aforesaid, for the Purpose of ascertaining which of the several Persons voted for are elected ; and so many of such Persons, being equal to the Number of Persons then to be chosen, as shall have the greatest Number of Votes, shall be deemed to be elected ; and in case of an Equality in the Number of Votes for any Two or more Persons, the Mayor and Assessors, or any Two of them, shall name from amongst those Persons for whom the Number of Votes shall be equal so many as shall be necessary to complete the requisite Number of Persons to be chosen ; and the Mayor shall cause the Voting Papers to be kept in the Office of the Town Clerk during Six Calendar Months at the least after every such Election ; and the Town Clerk shall permit any Burgess to inspect the Voting Papers of any Year, on Payment of One Shilling for every Search ; and the Mayor shall publish a List of the Names of the Persons so elected not later than Two of the Clock in the Afternoon of the Day next but One following the Day of such Election, unless such Day be *Sunday*, and then on the *Monday* following.

Result of Election how to be declared.

XXXVI. And be it enacted, That if the Mayor of any Borough shall, at the Time when it shall be necessary to execute the Powers and Duties herein provided with respect to Elections, be dead, absent, or otherwise incapable of acting, the Council of such Borough shall forthwith elect One of the Aldermen to execute all such Powers and Duties in the Place of the Mayor ; provided that in the first Election of Councillors and of Auditors and Assessors, as herein-after provided, the Mayor alone shall act with all the Powers and Duties herein-before enacted concerning the Mayor and Assessors jointly in such Elections.

An Alderman to be chosen to preside at Election in case of the Death or Inability of the Mayor.

XXXVII. And be it enacted, That on the First Day of *March* in the Year One thousand eight hundred and thirty-six, and in every succeeding Year, the Burgesses of every Borough shall elect from the Persons qualified to be Councillors by a Majority of Votes, Two Burgesses, who shall be and be called Auditors of such Borough, and Two Burgesses, who shall be and be called Assessors of such Borough ; and every such Auditor and Assessor shall continue in Office until the First Day of *March* in the Year following his Election ; and the Election of such Auditors and Assessors respectively shall be in form and manner herein-before provided for the Election of Councillors : Provided nevertheless, that in every such Election of Auditors or Assessors no Burgess shall

Election of Auditors and Assessors.

shall vote for more than One Person to be an Auditor or Assessor: Provided also, that no Burgess shall be eligible to be or be elected such Auditor or Assessor as aforesaid who shall be of the Council, or the Town Clerk or Treasurer of such Borough.

Existing  
Mayors and  
Councillors to  
go out of Office  
on Election of  
Councillors  
under this Act.

XXXVIII. And be it enacted, That after the Declaration of the First Election of the Councillors under the Provisions of this Act in any Borough, the Mayor, Aldermen, and Common Councilmen, and all other Members of the Common Council or governing Body of the Body Corporate named in conjunction with such Borough in the said Schedules (A.) and (B.), by whatever Name or Style they may be known or called, then in Office, shall go out of Office, and their whole Powers and Duties shall cease: Provided nevertheless, that any of the Persons so going out of Office shall be eligible to be elected and appointed under the Provisions of this Act: Provided also, that such Persons as are Justices of the Peace in any Borough at the Time of passing this Act shall continue to have and exercise all the Powers which at the Time of passing this Act they have as Justices of the Peace, until the First Day of *May* in the Year One thousand eight hundred and thirty-six, and no longer: Provided also, that in every Borough in which, by Statute, Charter, Bye Law, or Custom, any Election is appointed to be holden between the Day of the passing of this Act and the First Day of *May* next, both inclusive, no such Election shall be holden, but every Person holding Office in any Borough on the Day of the passing of this Act shall continue to hold such Office, and to have all the Powers, and be subject to all the Duties, and be entitled to the same Salary and Fees of such Office, as he would have had and been if elected to such Office between the Day of the passing of this Act and the said First Day of *May* until the Time provided by this Act for him to go out of Office; any Statute, Charter, Bye Law, or Custom notwithstanding.

Where Bo-  
roughs are to  
be divided into  
Wards, the  
Bounds of the  
Wards to be  
determined by  
the Barristers  
appointed to  
revise the Lists.

XXXIX. ' And whereas it is expedient that certain Boroughs of large Population should be divided into Wards before any Election of Councillors for such Boroughs should take place; be it therefore enacted, That every Borough in the said Schedule (A.) shall be divided into the Number of Wards mentioned in such Schedule in conjunction with the Name of such Borough; and that it shall be lawful for the Barrister or Barristers appointed in pursuance of the Provisions herein-before contained to revise the Burgess and Councillors Lists of any Borough in the present Year, and he or they is and are hereby required within the Space of Six Weeks next after the passing of this Act to determine and set out the Extent, Limits, and Boundary Lines of such Wards, and what Portions of such Borough shall be included therein respectively; and the Copy of the Particulars of such Division shall be forthwith transmitted to One of His Majesty's Principal Secretaries of State, and, if His Majesty by Advice of His Privy Council shall approve such Determination, shall be published in the *London Gazette*, and another Copy of such Particulars shall be delivered to the Town Clerk of such Borough, to be by him safely kept among the Public Documents of such Borough; and every such Borough shall, after such Publication as aforesaid, be deemed to be divided into such Wards as shall be so determined and

and set out as aforesaid, and such Division shall continue and be in force until the same shall be altered by Authority of Parliament: Provided always, that if His Majesty, by Advice of His Privy Council, shall not approve such Determination, such Publication as aforesaid shall nevertheless be made, and such Division be in force for the Purpose of any Election under the Provisions of this Act, and until such Time as His Majesty shall by Advice of His Privy Council, upon further Information and Report from such Barristers, definitively approve the Division of such Borough into Wards in manner herein-before mentioned.

XL. And be it enacted, That the said Barrister or Barristers shall, after the Division of the Borough into such Number of Wards as is directed by this Act, apportion among the several Wards of such Borough the Number of Councillors mentioned in conjunction with the Name of such Borough in the said Schedule (A.); and in assigning the Number of Councillors to each Ward the said Barrister or Barristers shall, as far as in his or their Judgment he or they may deem it to be practicable, have Regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons shall be so rated: Provided always, that the Number of Councillors assigned to each Ward shall be a Number divisible by Three; and a Copy of the Particulars of the Number of Councillors so assigned to the several Wards of the Borough shall be forthwith transmitted to One of His Majesty's Principal Secretaries of State, and subject as aforesaid to the Approval of His Majesty by the Advice of His Privy Council, shall be published in the *London Gazette*, and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough, to be by him safely kept among the Public Documents of such Borough; and the Number of Councillors so assigned to each Ward of such Borough shall, after such Publication as aforesaid, be the Number to be elected in such Ward, and shall so continue until the same shall be altered by Authority of Parliament: Provided always, that if His Majesty, by the Advice of His Privy Council, shall not approve the Number of Councillors so assigned to each Ward, such Publication shall nevertheless be made, and the Number of Councillors so assigned to each Ward of such Borough by such Barrister shall be the Number to be elected in such Ward at any Election of Councillors under this Act until such Time as His Majesty shall by Advice of His Privy Council, upon further Information and Report from such Barrister, definitively approve such Assignment in manner herein-before mentioned.

XLI. ' And whereas it may be convenient in divers Boroughs to adhere in the Division of the same into Wards to the ancient Division thereof into Parishes or into Districts under any Local Act, or to adapt such Division to local Circumstances, and such Division so made might render difficult such Apportionment of Councillors as is herein-before directed; ' be it therefore enacted, That in every such Case the said Barrister or Barristers shall be empowered, at his or their Discretion, subject as aforesaid to the Approval of His Majesty by the Advice of His Privy Council, to divide any Borough in conjunction with the Name of

Number of Councillors for each Ward to be assigned by the Barristers according to certain Rules.

Apportionment of Councillors for each Ward in which the ancient Division is adhered to.

which, in the said Schedule (A.), shall be mentioned any Number of Wards greater than Two, into any Number of Wards more or less by One than the Number of Wards mentioned in conjunction with the Name of such Borough in the said Schedule.

Power to  
examine Rate  
Books.

XLII. And be it enacted, That the said Barrister or Barristers shall have Power to require any Overseer, or Person having the Custody of any Book containing any Rate made for the Relief of the Poor, in any Parish wholly or in part within any Borough to be divided into Wards, to produce such Book before and allow the same to be inspected by the said Barrister or Barristers; and the said Barrister or Barristers shall have Power to administer an Oath to the Overseers and to all other Persons, who are hereby required to answer upon Oath all such Questions as the said Barrister or Barristers may put to them or any of them touching any Matter which the said Barrister or Barristers may deem necessary for enabling them to execute the Duties by this Act imposed upon them.

Councillors and  
Assessors to be  
elected in  
Wards by the  
Burgesses of  
such Wards.

XLIII. And be it enacted, That in every Case in which there shall be a Division into Wards of any Borough, the Burgesses of every such Ward, and none others, shall on the Day fixed for the First Election of Councillors separately elect from the Persons qualified to be Councillors the whole Number of Councillors assigned to such Ward respectively, and on the First Day of *November* in any subsequent Year shall separately elect from the Persons qualified to be Councillors One Third Part of the whole Number of Councillors assigned to such Ward, and on the First Day of *March* next after the First Election of Councillors in such Ward, and in every subsequent Year, shall separately elect from the Persons qualified to be Councillors Two Assessors for such Ward; and every such Ward Election first after such Division into Wards of any such Borough shall be held before the Mayor, or the Person whom the Mayor for the Time being shall appoint in that Behalf, and in every succeeding Year shall be held before the Alderman whom the Councillors chosen in such Ward shall yearly appoint in that Behalf and before the Two Assessors of such Ward; and the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the Mayor's Ward, and the Votings and other Proceedings in all other respects at such Ward Elections shall be conducted in the same Manner as at Elections of Councillors or Assessors respectively by the Burgesses of the whole Borough, and the Alderman and Assessors of each Ward shall have the same Powers in regard to Elections in their Ward as the Mayor and Assessors for the whole Borough if not divided into Wards; and every Person so elected a Councillor or Assessor in such Ward shall hold his Office for the same Time that he would have held it if he had been elected by the Burgesses of the whole Borough and if the Number elected in such Ward had been the whole Number for the Borough.

Burgesses to  
vote in the  
Ward in which  
their Property  
is situated.

XLIV. And be it enacted, That every Burgess of any Borough shall be entitled to vote in the Election of the Councillors and Assessors to be chosen within that Ward in which the Property of such Burgess for which he appears to be rated on the Burgess Roll for the Time being of such Borough shall appear to be situated, and not otherwise; and if any Burgess shall be rated in respect



respect of distinct Premises in Two or more Wards, then he shall be entitled to be enrolled and to vote in such one of the said Wards as he shall select, but not in more than One.

XLV. And be it enacted, That for the Purpose of better ascertaining who are the Burgesses of any such Ward the Burgess Roll of every Borough so divided into Wards shall thenceforward be made out, by or under the Direction of the Town Clerk, in Alphabetical Lists of the Burgesses in each Ward, to be called "Ward Lists."

Lists of the Burgesses to be made out yearly.

XLVI. And be it enacted, That if at any Election of Councillors or Assessors for any Borough any Person shall be elected a Councillor or Assessor in more than One of the Wards of such Borough, he shall within Three Days after Notice thereof choose, or in his Default the Mayor shall declare, for which one of the said Wards such Councillor or Assessor shall serve, and such Person shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

Manner of proceeding if any Person is elected a Councillor in more than One Ward.

XLVII. And be it enacted, That if any extraordinary Vacancy shall be occasioned in the Office of Councillor, Auditor, or Assessor for any Borough, the Burgesses entitled to vote shall, on a Day to be fixed by the Mayor of such Borough, or in the Case of a Councillor or Assessor, where the Borough shall have been divided into Wards, by the Alderman of the Ward in which the Vacancy has happened, (such Day not to be later than Ten Days after such Vacancy,) elect from the Persons qualified to be Councillors another Burgess to supply such Vacancy; and such Election shall be held, and the voting and other Proceedings, in case of a Contest, shall be conducted in the same Manner and subject to the same Provisions as are herein-before enacted with respect to the Election of Councillors as aforesaid; and every Person so elected shall hold such Office until the Time at which the Person in room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but shall be capable of immediate Re-election if then qualified as herein provided: Provided always, that after the full Number to be regularly elected of the Councillors in any Year shall have declared their Acceptance of Office no new Election of Councillors shall be made by reason of such extraordinary Vacancy, unless the Number of Councillors remaining after such Vacancy shall not exceed Two Thirds of the whole Number of the Council of such Borough.

Occasional Vacancies of Councillor, Auditor, or Assessor to be filled up by fresh Election.

XLVIII. And be it enacted, That if any Mayor, Alderman, or Assessor of any Borough who shall be in Office at the Time herein appointed for the Revision by them of the Burgess List under this Act, or for any Election of Councillors, Assessors, or Auditors which he is required to conduct or declare, shall neglect or refuse to revise such Burgess List, or to conduct or declare such Election as aforesaid, every such Mayor, Alderman, and Assessor shall for every such Offence forfeit and pay the Sum of One hundred Pounds; and if any Overseer of any Parish wholly or in part within any Borough shall neglect or refuse to make out, sign, and deliver such List as aforesaid, or if the Town Clerk of any Borough shall neglect or refuse to receive, print, and publish such Lists as aforesaid, or if any such Overseer or Town Clerk

Penalties on Mayor, Overseers, &c. neglecting to comply with Provisions of this Act.

shall refuse to allow any such List to be perused by any Person having Right thereunto, every such Overseer and Town Clerk respectively for every such Offence shall forfeit and pay the Sum of Fifty Pounds; and the said Penalties hereby in such Case imposed shall be recovered, with full Costs of Suit, by any Person who will sue for the same within Three Calendar Months after the Commission of such Offence, by Action of Debt or on the Case in any of His Majesty's Superior Courts of Record; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned as follows; (that is to say,) one Moiety thereof to the Person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund herein-after mentioned.

Council to elect the Mayor every Year from the Councillors.

XLIX. And be it enacted, That on the Ninth Day of *November* in every Year the Council of the Borough shall elect out of the Aldermen or Councillors of such Borough a fit Person to be the Mayor of such Borough, who shall continue in his Office for One whole Year; and in case a Vacancy shall be occasioned in the Office of Mayor of the Borough during such Year by reason of any Person who shall have been elected to such Office not accepting the same, or by reason of his dying or ceasing to hold the said Office, the Council of the Borough shall within Ten Days after such Vacancy elect out of the Aldermen or Councillors of the said Borough another fit Person to be the Mayor thereof for the Remainder of the then current Year.

Mayor, Aldermen, and Councillors, Auditors and Assessors, not to act until they have made a Declaration of Acceptance of Office.

L. And be it enacted, That no Person elected a Mayor, Alderman, or Councillor, or Auditor or Assessor, for any Borough, shall be capable of acting as such, except in administering the Declaration herein-after contained, until he shall have made and subscribed before any Two or more such Aldermen or Councillors (who are hereby respectively authorized and required to administer the same to each other) a Declaration in the Words or to the Effect following; (that is to say,)

‘ I *A.B.*, having been elected Mayor [or Alderman, Councillor, Auditor, or Assessor] for the Borough of \_\_\_\_\_ do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the Duties thereof according to the best of my Judgment and Ability; [*and in the Case of the Party being qualified by Estate say,* and I do hereby declare that I am seised or possessed of Real or Personal Estate, or both, [*as the Case may be,*] to the Amount of One thousand Pounds or Five hundred Pounds, *as the Case may require,* over and above what will satisfy all my Debts].’

Aldermen, if required, to make a Declaration of Qualification once in Three Years.

And that every Alderman who shall have made and subscribed the foregoing Declaration in respect of Estate shall once in every Period of Three Years, if required in Writing so to do by any Two Members of the Council, make and subscribe a Declaration that he is qualified to the same Amount in Real or Personal Estate, or both, as the Case may then be, as the Amount mentioned in the Declaration originally made and subscribed by him: Provided always, that nothing in this Act contained shall be construed to dispense with the Obligation of any Person to make and subscribe the Declaration provided and enjoined by an Act made

made in the Ninth Year of His late Majesty *George the Fourth*, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments.*

9 G. 4. c. 17.

LI. And be it enacted, That every Person duly qualified who shall be elected to the Office of Alderman, Councillor, Auditor, or Assessor, and every Councillor who shall be elected to the Office of Mayor, for any Borough, shall accept such Office to which he shall have been elected, or shall in lieu thereof pay to the Mayor, Aldermen, and Burgesses of such Borough such Fine not exceeding Fifty Pounds in case of Aldermen, Councillors, Auditors, or Assessors, and such Fine not exceeding One hundred Pounds in case of Mayor, as the Council of such Borough by a Bye Law to be made as herein-after provided shall declare in that Behalf; and such Fine if not duly paid shall be levied by the Warrant of any Justice having Jurisdiction within the Borough, who is hereby required on the Application of the Council to issue the same, by Distress and Sale of the Goods and Chattels of the Person so refusing to accept Office, with the reasonable Charges of such Distress; and every such Person so elected shall accept such Office by making and subscribing the Declaration herein-before mentioned within Five Days after Notice of his Election, otherwise such Person shall be liable to pay the said Fine as for his Non-acceptance of such Office, and such Office shall thereupon be deemed to be vacant and shall be filled up by a fresh Election to be made in the Manner herein-before mentioned: Provided always, that no Person disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmary of Body, shall be liable to such Fine as aforesaid: Provided also, that every Person so elected to any such Office who shall be above the Age of Sixty-five Years, or who shall have already served such Office respectively, or paid the Fine for not accepting such Office respectively, within Five Years from the Day on which he shall be so re-elected, shall be exempted from accepting or serving the same Office if he shall claim such Exemption within Five Days after Notice of his Election: Provided always, that nothing in this Act contained shall extend to compel the Acceptance of any Office or Duty whatever in any Borough by any Military, Naval, or Marine Officer in His Majesty's Service on full Pay, or by any Officer or other Person employed and residing within any of His Majesty's Dockyards, Victualling Establishments, Arsenals, or Barracks.

Every Burgess elected to the Office of Alderman, Councillor, Auditor, or Assessor, and every Councillor elected to the Office of Mayor, shall accept the Office or pay a Fine to the Borough Fund.

Exemptions.

LII. Provided always, and be it enacted, That if any Person holding the Office of Mayor, Alderman, or Councillor for any Borough shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or, being Mayor, shall be absent for more than Two Calendar Months, or, being an Alderman or Councillor, for more than Six Months, at one and the same Time, (unless in case of Illness), from the Borough of which he shall be Mayor, Alderman, or Councillor, then and in every such Case such Person shall thereupon immediately become disqualified and shall cease to hold the Office of such Mayor, Alderman, or Councillor as aforesaid, and in the Case of such Absence shall

Any Mayor, Alderman, or Councillor, if he shall be declared bankrupt or insolvent, or absent himself from the Borough, shall lose his Office.

shall be liable to the same Fine, to be recovered in the same Manner, as if he had refused to accept the said Office, and the Council thereupon shall forthwith declare the said Office to be void, and shall signify the same by Notice in Writing under the Hands of Three or more of them, countersigned by the Town Clerk, to be affixed in some public Place within the Borough, and the said Office shall thereupon become void; but every Person so becoming disqualified and ceasing to hold such Office on account of his being declared a Bankrupt, or of his applying to take the Benefit of any Act for the Relief of Insolvent Debtors, or having compounded with his Creditors as aforesaid, shall, on obtaining his Certificate or on Payment of his Debts in full, be capable (if otherwise qualified) of being re-elected to such Office, and every Person becoming disqualified to hold such Office on account of Absence as aforesaid shall on his Return to such Borough be capable of being re-elected to such Office, provided he shall then be otherwise qualified.

Penalty on  
Persons not  
qualified, &c.  
acting as Mayor,  
Alderman, or  
Councillor.

LIII. And be it enacted, That if any Person shall act as Mayor, Alderman, or Councillor, or Auditor or Assessor, for any Borough, without having made the Declaration herein-before required in that Behalf, or without being duly qualified at the Time of making such Declaration, or after he shall cease to be qualified according to the Provisions of this Act, or after he shall have become disqualified to hold any such Office, he shall for every such Offence forfeit the Sum of Fifty Pounds, such Sum to be recovered, with full Costs of Suit, by any Person who will sue for the same within Three Calendar Months after the Commission of such Offence, by Action of Debt or on the Case in any of His Majesty's Superior Courts of Record; and every Person so sued by reason of not being so qualified in respect of Estate shall prove that he was at the Time of so acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any further Evidence being given on the Part of the Plaintiff than that such Person has acted as the Mayor, or as Alderman, Councillor, Auditor, or Assessor (as the Case may be) of such Borough: Provided always, that it shall be lawful for any Defendant, by Judge's Order to be obtained within Fourteen Days after he shall have been served with Process in any such Action, to require the Plaintiff to give Security for Costs; and in such Case all further Proceedings in the said Cause shall be stayed until the Plaintiff shall give Security to the Satisfaction of the proper Officer of the Court for the Costs of such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue such Action, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff; and the Defendant shall in either of such Cases recover his full Costs as between Attorney and Client: Provided also, that no such Action shall be brought except by a Burgess of such Borough, nor unless the Burgess bringing the same shall, within Fourteen Days after the Commission of the Offence, have served a Notice in Writing personally upon the Party committing such Offence of his Intention to bring such Action; and in case the Plaintiff in any such Action shall obtain a Verdict, the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof,

thereof, be paid and apportioned as follows; (that is to say,) one Moiety thereof to the Person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund: Provided always, that all Acts and Proceedings of any Person in Possession of the Office of Mayor, Alderman, Councillor, Auditor, or Assessor, and acting as a Mayor, Alderman, Councillor, Auditor, or Assessor, shall, notwithstanding such Disqualification or Want of Qualification, be as valid and effectual as if such Person had been duly qualified.

Proviso.

LIV. And be it enacted, That if any Person who shall have or claim to have any Right to vote in any Election of Mayor, or of a Councillor, Auditor, or Assessor of any Borough, shall, after the passing of this Act, ask or take any Money or other Reward by way of Gift, Loan, or other Device, or agree or contract for any Money, Gift, Office, Employment, or other Reward whatsoever, to give or forbear to give his Vote in any such Election, or if any Person, by himself or any Person employed by him, shall, by any Gift or Reward, or by any Promise, Agreement, or Security for any Gift or Reward, corrupt or procure, or offer to corrupt or procure, any Person to give or forbear to give his Vote in any such Election, such Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Fifty Pounds of lawful Money of *Great Britain*, to be recovered, with full Costs of Suit, by any one who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*; and any Person offending in any of the Cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any Election in such Borough, or in any Municipal or Parliamentary Election whatever in any Part of the United Kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any Office or Franchise to which he then shall or at any Time afterwards may be entitled as a Burgess of such Borough, as if such Person was naturally dead.

Persons convicted of Bribery disqualified from voting at any Election in the Borough.

LV. And be it enacted, That if any Person offending in any of the Cases aforesaid shall, within the Space of Twelve Months next after such Election as aforesaid, discover any other Person offending in any of the Cases aforesaid, so that such other Person be thereon convicted, such Person so discovering, and not having been before that Time convicted of any such Offence, shall be indemnified and discharged from all Penalties and Disabilities which he shall then have incurred by any such Offence.

Persons exempt from Penalties in certain Cases.

LVI. Provided always, and be it enacted, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty by this Act imposed in any of the Cases aforesaid, unless Prosecution be commenced within Two Years after such Incapacity, Disability, Forfeiture, or Penalty shall be incurred, any thing herein contained to the contrary notwithstanding.

Prosecution must commence within Two Years.

LVII. And be it enacted, That the Mayor for the Time being of every Borough shall be a Justice of the Peace of and for such Borough, and shall continue to be such Justice of the Peace during the next succeeding Year after he shall cease to be Mayor, unless disqualified as aforesaid; and such Mayor shall, during the Time of his Mayoralty, have Precedence in all Places within

The Mayor to be a Justice of the Peace for the Borough and Returning Officer at Elections of

Members to serve in Parliament.

within the Borough, and in Boroughs which return a Member or Members to serve in Parliament, other than the Town of *Berwick-upon-Tweed*, and other than Cities and Towns which are Counties of themselves, shall be the Returning Officer at all such Elections; and in case the Mayor shall, at the Time when he shall be required to perform the Duties of such Returning Officer be dead, absent, or otherwise incapable of acting, or in case there shall be no Mayor, the Council of such Borough shall forthwith elect one of the Aldermen to be the Returning Officer for such Borough in the Place of the Mayor being so dead, absent, or otherwise incapable: Provided always, that in every Case where there shall be more than One Mayor within the Boundaries of any Borough as the same are or shall at any future Time be settled in so far as respects the Election of Members to serve in Parliament the Mayor of that Borough to which the Writ of Election shall be directed shall be the Returning Officer.

Power to Council to appoint Town Clerk, Treasurer, and other Officers; to take Security for due Discharge of their official Duties; and to pay Salaries.

LVIII. And be it enacted, That the Council of every Borough, on the Ninth Day of *November*, in this present Year, shall appoint a fit Person, not being a Member of the Council, to be the Town Clerk of such Borough, who shall hold his Office during Pleasure; and in any Borough may be an Attorney of One of His Majesty's Superior Courts at *Westminster*, any Law, Statute, Charter, or Usage to the contrary notwithstanding; and the Council of every Borough shall in every Year appoint another fit Person, not being a Member of the Council, to be the Treasurer of the Borough, and also such other Officers as have been usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various Powers and Duties vested in them by virtue of this Act, and may from Time to Time discontinue the Appointment of such Officers as shall appear to them not necessary to be re-appointed; and shall take such Security for the due Execution of his Office by any such Town Clerk, Treasurer, or other Officer, as the said Council shall think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such other Officer to be employed as aforesaid, such Salary or Allowance as the said Council shall think reasonable; and in case of a Vacancy in any such Office as aforesaid by Death, Resignation, Removal, or otherwise, the Council of such Borough may appoint another fit Person in the Place of the Person so making such Vacancy; provided that the Town Clerk and Treasurer shall not be the same Person.

Treasurer to pay no Money but by Order of Council.

LIX. And be it enacted, That the Treasurer of any Borough shall pay no Money on Account of the Mayor, Aldermen, and Burgesses of such Borough, save only in such Case as is provided by this Act, or upon the Order in Writing of the Council, signed by Three or more Members of the Council, and countersigned by the Town Clerk of such Borough, or by Order of the Court of Sessions of the Peace for the Borough, or of a Justice of the Peace acting in and for the Borough in the Discharge of his Judicial Duty, in such Case as is provided by this Act, or in such Case as a Court of Sessions of the Peace for any County, or a Justice of the Peace acting in and for a County in the Discharge of his Judicial Duty, may make an Order for the Payment of Money on the Treasurer of such County, or for the Payment

of the Salaries granted to any Recorder or Police Magistrate as herein-after provided.

LX. And be it enacted, That every Town Clerk, Treasurer, or other Officer appointed by the Council as aforesaid shall, at such Times during the Continuance of his Office, or within Three Months after the Expiration of his Office, and in such Manner as the said Council shall direct, deliver to the Council, or to such Person as they shall authorize for that Purpose, a true Account in Writing of all Matters committed to his Charge by virtue of this Act, and also of all Monies which shall have been by him received by virtue or for the Purposes of this Act, and how much thereof shall have been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all such Persons as shall not have paid the Monies due from them for the Purposes of this Act, and of the Amount due from each of them; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, or such List as aforesaid, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such Person as they shall authorize, within Three Days after being thereunto required by Notice in Writing under the Hands of any Three or more of the said Council, to be given to or left at the last Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Council, or to such other Person as aforesaid, respecting the same, then and in every such Case, upon Complaint made on behalf of the said Council, by such Person as they shall authorize for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County or other Jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his Hand and Seal for bringing such Officer before any Two Justices of the Peace for such County or Jurisdiction; and upon the said Officer 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 such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods of such Officer; and if sufficient Goods shall not be found to satisfy the said Monies and the Charges of the Distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or such List as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justices shall and they are hereby

Officers to account, &c. according to the Orders of the Council.

Summary Remedy against Officers for not accounting, &c.

hereby required to commit such Offender to the Common Gaol or House of Correction for the County or Jurisdiction where such Offender shall be or reside, there to remain without Bail, until he shall have paid such Monies as aforesaid, or shall have compounded with the said Council for such Monies, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Council are hereby empowered to make and receive,) or until he shall have delivered a true Account as aforesaid, together with such Vouchers and Lists as aforesaid, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof, to the said Council, or to such other Person as aforesaid, as the Case may be: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Three Calendar Months; provided also, that nothing in this Act contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid, or against any Surety for any such Officer, but such Officer shall not be sued by Action and also proceeded against in a summary Manner by virtue of this Act for the same Cause.

Proviso.

Remedy by  
Action.

Councils of  
Cities and  
Towns which  
are Counties to  
name a Sheriff.

LXI. And be it enacted, That in the City of *Oxford*, in the Town of *Berwick-upon-Tweed*, and in the Counties of the Cities of *Bristol*, *Canterbury*, *Chester*, *Coventry*, *Exeter*, *Gloucester*, *Lichfield*, *Lincoln*, *Norwich*, *Worcester*, and *York*, and in the Counties of the Towns of *Caermarthen*, *Haverfordwest*, *Kingston-upon-Hull*, *Newcastle-upon-Tyne*, *Nottingham*, *Poole*, and *Southampton*, the Council shall on the First Day of *November* in every Year appoint a fit Person to execute the Office of Sheriff, with the like Duties and Powers as the Sheriff or the Person filling the Office of Sheriff in the said Town and Counties respectively would have had if this Act had not passed; and every Person who, at the Time of the passing of this Act, shall hold the Office or execute the Duties of Sheriff in the said Town and Counties respectively shall continue to hold and execute the same until the first Appointment of a Sheriff therein under the Provisions of this Act, and no longer.

In certain Bo-  
roughs, Council  
to appoint a  
Coroner.

LXII. And be it enacted, That the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is herein-after provided, shall, within Ten Days next after the Grant of the said Court shall have been signified to the Council of such Borough, appoint a fit Person, not being an Alderman or Councillor, to be Coroner of such Borough so long as he shall well behave himself in his Office of Coroner, and shall fill up every Vacancy of the Office of Coroner of the Borough, by Death, Resignation, or Removal, within Ten Days next after such Vacancy shall have occurred, and none thereafter shall take any Inquisition which belongs to the Office of Coroner within such Borough save only the Coroner so from Time to Time to be appointed; and every such Coroner, for every Inquisition which he shall duly take within such Borough, shall be entitled to have the Sum of Twenty Shillings, and also the Sum of Nine-pence for every Mile exceeding Two Miles which he shall be compelled to travel from his usual Place of Abode to take such Inquisition,



to be paid by the Treasurer out of the Borough Fund of such Borough, by Order of the Court of Quarter Sessions for such Borough.

LXIII. And be it further enacted, That on or before the First Day of *February* in every Year after the passing of this Act every Coroner appointed in any Borough shall make and transmit to One of His Majesty's Principal Secretaries of State a Return in Writing, according to such Form as the said Secretary of State from Time to Time shall direct, of all the Cases in which he may have been called upon to hold an Inquest touching the Cause of Death of any Person during the Year ending on the Thirty-first Day of *December* immediately preceding.

Coroners to make Returns to Secretary of State.

LXIV. And be it enacted, That in every Borough in and for which no separate Court of Quarter Sessions of the Peace shall be holden no Person from and after the End of this present Year shall take any Inquisition which belongs to the Office of Coroner within such Borough, save only the Coroner for the County or District in which such Borough is situated; and the Coroner of such County or District, for every Inquisition which he shall duly take within any Place or Precinct within any such Borough, shall be entitled to have such rateable Fees and Salary as would be allowed and due to him, and to be allowed and paid in like Manner, as for any other Inquisition taken by him within such County: Provided always, that nothing in this Act contained shall extend or be construed to annul, diminish, or affect the Authority of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, or of the Judge of the High Court of Admiralty of *England*, as the Lieutenant of the Lord High Admiral in the said Court, to appoint Coroners to act within the Jurisdiction of the Admiralty in the several Ports and Havens and on the Sea Coast of *England*, and to take Inquisitions touching Deaths happening within the said Jurisdiction, as hath heretofore been done.

County Coroners to act in other Boroughs.

LXV. And be it enacted, That the Council elected under this Act in any Borough shall have Power to remove from his Office every Bailiff, Treasurer, or Chamberlain, and every other ministerial or executive Officer of such Borough and Body Corporate who shall be in Office at the Time of the first Election of Councilors under this Act; and every such Bailiff, Treasurer, or Chamberlain, and every other ministerial or executive Officer in such Borough, shall continue to act in the same Capacity as heretofore, and to execute all the Duties heretofore belonging to his Office, and be entitled to have the same Salaries, Fees, and Emoluments as he would have had if this Act had not passed, until he shall be removed from his Office and no longer, unless he shall be re-appointed according to the Provisions of this Act; and every Officer who shall be in Possession or Receipt of any Monies, Goods, valuable Securities, Books, and Papers belonging to or concerning the Body Corporate whose Officer he is shall deliver up and account for the same to the Council of such Body Corporate appointed under this Act; and the Council shall have the same Remedy against such Officer to recover the same as is herein-before provided in the Case of Officers appointed by such

Council empowered to remove certain Officers; but such Officers to continue until removed.

Council:

Council: Provided always, that all the Charters, Deeds, Muni-ments, and Records of every Borough, or relating to the Property thereof, shall be kept in such Place as the Council from Time to Time shall direct, and the Town Clerk for the Time being shall have the Charge and Custody of and be responsible for the same.

Officers to  
receive Com-  
pensation on  
Removal;

to deliver  
Statement of  
Claims.

LXVI. And be it enacted, That every Officer of any Borough or County who shall be in any Office of Profit at the Time of the passing of this Act, whose Office shall be abolished, or who shall be removed from his Office under the Provisions of this Act, or who shall not be re-appointed as aforesaid, shall be entitled to have an adequate Compensation, to be assessed by the Council, and paid out of the Borough Fund, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold, Regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk then to the Treasurer of the Borough, a Statement under the Hand of such Person setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the passing of this Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he shall claim such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Treasurer, as the Case shall be, shall lay such Statement before the Council, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he shall not himself be the Town Clerk, shall be informed thereof by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, or in case One Third of the Members of the Council shall subscribe a Protest against the Amount of Compensation allowed by the Determination of the Council as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who 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: Provided always, that if the Council shall not determine on such Claim within Six Calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Treasurer, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Council to subscribe such Protest

Protest as aforesaid except within such Period of Six Calendar Months: Provided also, that the Person preferring such Claim, if any Member of the Council shall so require, upon receiving Notice in Writing signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Council for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Mayor, (who is hereby authorized to administer the same,) shall answer all such Questions as shall be asked by any Member of the Council touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto: Provided also, that every such Officer who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall be subsequently removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office.

LXVII. And be it enacted, That the Sum payable to any Person as such Compensation as aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the Borough out of whose Funds the same shall be payable, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors or Administrators or Assigns, of such Sum, with all Arrears thereof (if any) accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expence of the Borough Fund, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof shall have been admitted as aforesaid by the Council of the Borough; or shall have been determined, in the Event of such Appeal as aforesaid, by the Order of the said Lords Commissioners.

Compensation  
to be secured  
by Bond under  
Common Seal.

LXVIII. And be it enacted, That all Pensions and Allowances granted on or before the Fifth Day of *June* in this present Year, by the Corporate Body named in the said Schedules (A.) and (B.) in conjunction with any Borough, to any retired Officer or Servant, or to the Widow or Child of any Officer or Servant, and all Stipends and Allowances which during Seven Years next before the said Fifth Day of *June* have been usually paid and granted to the Minister or late Minister of any Church or Chapel, or to the Master or Usher of any School, or to the Governor or Master of any Hospital within such Borough, and all charitable Allowances which have been usually paid as aforesaid to the Inmates of any Almshouses by such Corporate Body, shall be secured, as soon as conveniently may be after the passing of this Act, to every Person entitled or accustomed to have and receive the same, by Bond or Obligation under the Common Seal of the Borough out of whose Funds the same shall be payable, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors and Administrators, of such Pension, Stipend, or

Reservation of  
certain Pensions  
and Allowances.

Allowance, with all Arrears thereof, if any, accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expence of the Borough Fund.

All Acts of the Council to be decided by a Majority of Councillors present; One Third Part of the whole Number to be a Quorum.

LXIX. And be it enacted, That all Acts whatsoever authorized or required by virtue of this Act to be done by the Council of such Borough, and all Questions of Adjournment or others that may come before such Council, may be done and decided by the Majority of the Members of the Council who shall be present at any Meeting held in pursuance of this Act, the whole Number present at such Meeting not being less than One Third Part of the Number of the whole Council; and at all such Meetings the Mayor, if present, shall preside; and the Mayor, or, in the Absence of the Mayor such Alderman, or in the Absence of all the Aldermen, such Councillor as the Members of the Council then assembled shall choose to be the Chairman of that Meeting, shall have a Second or Casting Vote in all Cases of Equality of Votes; and Minutes of the Proceedings of all such Meetings shall be drawn up and fairly entered into a Book to be kept for that Purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such Meeting; and the said Minutes shall be open to the Inspection of any Burgess at all reasonable Times on Payment of a Fee of One Shilling: Provided always, that previous to any Meeting of the Council held by virtue of this Act a Notice of the Time and Place of such intended Meeting shall be given Three clear Days at least before such Meeting, by fixing the said Notice on or near the Door of the Town Hall of the Borough; and such Notice shall be signed by the Mayor, who shall have Power to call a Meeting of the Council as often as he shall think proper; and in case the Mayor shall refuse to call any such Meeting after a Requisition for that Purpose signed by Five Members of the Council at the least shall have been presented to him, it shall be lawful for the said Five Members to call a Meeting of the Council by giving such Notice as is herein-before required in that Behalf, such Notice to be signed by the said Members instead of the Mayor, and stating therein the Business proposed to be transacted at such Meeting; and in every Case a Summons to attend the Council, specifying the Business proposed to be transacted at such Meeting, signed by the Town Clerk, shall be left at the usual Place of Abode of every Member of the Council or at the Premises in respect of which he is enrolled a Burgess, Three clear Days at least before such Meeting; and no Business shall be transacted at such Meeting other than is specified in the Notice: Provided always, that there shall be in every Borough Four quarterly Meetings in every Year at which the Council shall meet for the Transaction of general Business, and no Notice shall need to be given of the Business to be transacted on such quarterly Days; and the said quarterly Meetings shall be holden at Noon on the Ninth Day of *November*, or if the Ninth Day of *November* shall fall on a *Sunday* on the Day following, and at such Hour on such other Three Days before the First Day of *November* then next following as the Council at the quarterly Meeting in *November* shall decide; and the first Business transacted at the quarterly Meeting in *November* shall be the Election of Mayor.

Notice of Meetings of Council.

Quarterly Meetings of Council.

LXX. And be it enacted, That it shall be lawful for the Council of any Borough to appoint out of their own Body, from Time to Time, such and so many Committees, either of a general or special Nature, and consisting of such Number of Persons as they may think fit, for any Purposes which, in the Discretion of such Council, would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Council may  
appoint  
Committees.

LXXI. And whereas divers Bodics Corporate now stand seised or possessed of sundry Hereditaments and Personal Estate, in Trust, in whole or in part, for certain charitable Trusts, and it is expedient that the Administration thereof be kept distinct from that of the Public Stock and Borough Fund; be it enacted, That in every Borough in which the Body Corporate, or any One or more of the Members of such Body Corporate, in his or their Corporate Capacity, now stands or stand solely, or together with any Person or Persons elected solely by such Body Corporate, or solely by any particular Number, Class, or Description of Members of such Body Corporate seised or possessed for any Estate or Interest whatsoever of any Hereditaments, or any Sums of Money, Chattels, Securities for Money, or any other Personal Estate whatsoever, in whole or in part in Trust or for the Benefit of any charitable Uses or Trusts whatsoever, all the Estate, Right, Interest, and Title, and all the Powers of such Body Corporate, or of such Member or Members of such Body Corporate, in respect of the said Uses and Trusts, shall continue in the Persons who at the Time of the passing of this Act are such Trustees as aforesaid, notwithstanding that they may have ceased to hold any Office by virtue of which before the passing of this Act they were such Trustees, until the First Day of August One thousand eight hundred and thirty-six, or until Parliament shall otherwise order, and shall immediately thereupon utterly cease and determine: Provided always, that if any Vacancy shall be occasioned among the charitable Trustees for any Borough before the said First Day of August, it shall be lawful for the Lord High Chancellor or Lords Commissioners of the Great Seal for the Time being, upon Petition, in a summary Way, to appoint another Trustee to supply such Vacancy; and every Person so appointed a Trustee as last aforesaid shall be a Trustee until the Time at which the Person in the Room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee: Provided also, that if Parliament shall not otherwise direct, on or before the said First Day of August One thousand eight hundred and thirty-six, the Lord High Chancellor or Lords Commissioners of the Great Seal shall make such Orders as he or they shall see fit for the Administration, subject to such charitable Uses or Trusts as aforesaid, of such Trust Estates.

Charitable  
Trustees.

LXXII. And be it enacted, That the Body Corporate named in the said Schedules (A.) and (B.) in conjunction with any Borough shall be Trustees for executing by the Council of such Borough the Powers and Provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable Uses and Trusts,) and of all Trusts (other

Council to act  
as Trustees  
where Corpora-  
tors were ex  
officio sole  
Trustees.

than charitable Uses and Trusts) of which the said Body Corporate, or any of the Members thereof in their Corporate Capacity, was or were sole Trustees before the Time of the First Election of Councillors in such Borough under this Act.

Council to appoint a limited Number of Councillors to be joint Trustees for certain Purposes.

LXXIII. And be it enacted, That in every Borough in which the Body Corporate, or a particular or limited Number, Class, or Description of Members of the Body Corporate, or of Persons appointed by the Body Corporate, was or were before the passing of this Act Trustees jointly with other Trustees for the Execution of any Act of Parliament, or of any Trust, or in which the Body Corporate, or any particular or limited Number, Class, or Description of Members or Nominees of the Body Corporate, by any Statute, Charter, Bye Law, or Custom was or were before the passing of this Act lawfully appointed to or exercised any Powers, Duties, or Functions whatsoever not otherwise herein provided for, and the Continuance of which is not inconsistent with the Provisions of this Act, the Council of such Borough, on the Day named in such Act as last aforesaid, or in the Deed or Will by which such Trust is created for a new Election, Nomination, or Appointment of Trustees, or on which such new Election, Nomination, or Appointment has usually been made, (and if there shall be no such Day named or usually observed, then on the First Day of *January* in every Year,) shall appoint the like Number of Members of the Council, or as near as may be to the like Number of Members of the Council, as there were theretofore Members or Nominees of such Corporate Body who in right of their Office were such Trustees, or charged with the Execution of such Powers, Duties, and Functions, in room of the Members or Nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such Powers, Duties, and Functions by virtue of this Act, and in every Case of extraordinary Vacancy among the Trustees or Persons so appointed by the Council shall forthwith appoint one other Member of the Council in the Room of the Person by whom such Vacancy has been made, and to hold his Trust or Office for such Time as the Person by whom such Vacancy has been made would regularly have held it.

Present Trustees of certain Acts continued for a definite Time.

LXXIV. And be it enacted, That notwithstanding any thing in this Act contained, every Member of any Body Corporate who in his Corporate Capacity, and every Nominee of any Body Corporate, or any particular Number, Class, or Description of Members of such Body Corporate, who at the Time of the passing of this Act shall be for a definite Number of Years or other shorter Time a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the Time when he would have ceased to be such Trustee if this Act had not passed; and if a Trustee for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year One thousand eight hundred and thirty-six, and no longer; and every Member of the Council appointed under the Provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid shall continue to be such Trustee until the Time herein provided for the new Appointment of a Member of the Council to be Trustee in his Room, notwithstanding that he may have ceased to be

be a Member of the Council; and in case any particular Member or Officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust Deed or Will as last aforesaid, to perform during a definite Number of Years or other shorter Time any specific Powers, Duties, or Functions whatsoever, the Person who at the Time of the passing of this Act shall be the Person designated and qualified to perform the same shall continue to perform the same until the Time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year One thousand eight hundred and thirty-six and no longer: Provided nevertheless, that nothing in this Act shall be construed to extend to the Body Corporate of the Trustees of the *Liverpool Docks*, but that every Person who at the Time of the passing of this Act shall be a Trustee of the *Liverpool Docks*, and none other, shall be continued to be such Trustee until the First Day of *November* in the Year One thousand eight hundred and thirty-six, and no longer; and every such Trustee who is appointed to discharge, or in his Corporate Capacity discharges any Powers, Duties, or Functions whatsoever in respect of the said last-mentioned Trust Estate, and none other, shall continue to discharge the same, as if this Act had not passed, until the First Day of *November* in the Year One thousand eight hundred and thirty-six, and no longer.

LXXV. 'And whereas it may be expedient that the Powers now vested in the Trustees appointed under sundry Acts of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving certain Boroughs, or certain Parts thereof, should be transferred to and vested in the Councils of such Boroughs respectively;' be it enacted, That the Trustees appointed by virtue of any such Act of Parliament as last aforesaid, wherein the Trustees, or the Persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a Meeting to be called for that Purpose, transfer in Writing under their Hands and Seals all the Powers vested in them as such Trustees by any such Act or Acts of Parliament as aforesaid to the said Body Corporate of such Borough, and the said Body Corporate of such Borough shall thenceforth be Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act or Acts of Parliament, and the Members of the Council shall have the same Powers and be subject to the same Duties as if their Names had been originally inserted in such Act or Acts, or as if they had been elected under the Provisions of any such Act or Acts as such Trustees respectively: Provided always, that no such Transfer as aforesaid shall be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) which relate to the Town of *Cambridge*, without the Consent of the Chancellor, Masters, and Scholars of the University of *Cambridge*.

LXXVI. And be it enacted, That the Council to be elected for any Borough shall, immediately after their First Election, and so from Time to Time thereafter as they shall deem expedient, appoint,

Trustees not to go out of Office by reason of ceasing to be of the Council until the Time prescribed by the Terms of the Trust.

Powers vested in Trustees may be transferred to Councillors.

A Watch Committee to be appointed, to consist of the

Mayor and  
Councilmen;  
such Committee  
to appoint  
Constables for  
the Borough.

Constables to be  
for the County,  
&c. as well as  
Borough.

Watch Com-  
mittee to make  
Regulations for  
the Manage-  
ment of the  
Constables.

Power to  
Constables to  
apprehend dis-  
orderly Persons,  
&c.

appoint, for such Time as they may think proper, a sufficient Number of their own Body, who, together with the Mayor of the Borough for the Time being, shall be and be called the Watch Committee for such Borough; and all the Powers herein-after given to such Committee may be executed by the Majority of those who shall be present at any Meeting of such Committee, the whole Number present at such Meeting being not less than Three; and such Watch Committee shall, within Three Weeks after their First Formation, and so from Time to Time thereafter as Occasion shall require, appoint a sufficient Number of fit Men, who shall be sworn in before some Justice of the Peace having Jurisdiction within the Borough to act as Constables for preserving the Peace by Day and by Night, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall not only within such Borough, but also within the County in which such Borough or Part thereof shall be situated, and also within every County being within Seven Miles of any Part of such Borough, and also within all Liberties in any such County, have all such Powers and Privileges, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within such Borough, or within any County in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

LXXVII. And be it enacted, That the Watch Committee for any such Borough as aforesaid may from Time to Time frame such Regulations as they shall deem expedient for preventing Neglect or Abuse, and for rendering such Constables efficient in the Discharge of their Duties; and the said Committee, or any Two Justices of the Peace having Jurisdiction within the Borough, may at any Time suspend or dismiss any Constable whom they shall think negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any Man shall be so dismissed, or cease to belong to the said Constabulary Force, all Powers vested in him as a Constable by virtue of this Act shall immediately cease; and no Man so dismissed as aforesaid shall be re-appointed without the Consent of Two of the Justices of the Peace having Jurisdiction within the Borough.

LXXVIII. And be it enacted, That it shall be lawful for any Constable during the Time of his being on Duty to apprehend all idle and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have just Cause to suspect of Intention to commit a Felony, and to deliver any Person so apprehended into the Custody of the Constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace to be dealt with according to Law, or may give Bail for his Appearance before a Justice of the Peace, if the Constable shall think fit to take Bail, in the manner herein-after mentioned.

LXXIX. And



LXXIX. And be it enacted, That where any Person charged with any petty Misdemeanor shall be brought without the Warrant of a Justice of the Peace into the Custody of any Constable appointed under this Act, during his Attendance in the Night-time at any Watch-house within any such Borough as aforesaid, it shall be lawful for such Constable, if he shall think fit, to take Bail by Recognizance, without any Fee or Reward, from such Person, conditioned that such Person shall appear for Examination within Two Days before a Justice of the Peace within the Borough at some Time and Place to be specified in the Recognizance; and every Recognizance so taken shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the Constable shall enter in a Book, to be kept for that Purpose in every Watch-house, the Names, Residence, and Occupation of the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear; and if the Party does not appear at the Time and Place required, or within One Hour after, the Justice shall cause a Record of the Recognizance to be drawn up to be signed by the Constable, and shall return the same to the next General or Quarter Sessions of the Peace for the Borough, or for the County in which such Borough is situate, in those Boroughs for which there shall be no separate General or Quarter Sessions of the Peace, with a Certificate at the Back thereof, signed by such Justice, that the Party has not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of Recognizances forfeited in the Sessions of the Peace; and if the Party not appearing shall apply by any Person on his Behalf to postpone the hearing of the Charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint or by binding the Party over to answer the Matter thereof at the Sessions, or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward.

LXXX. And be it enacted, That if any Constable of any Borough shall be guilty of any Neglect of Duty or of any Disobedience of any lawful Order, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence be liable to be imprisoned for any Time not exceeding Ten Days, or to be fined in any Sum not exceeding Forty Shillings, or to be dismissed from his Office, as such Justices shall in their Discretion think meet.

LXXXI. And be it enacted, That if any Person shall assault or resist any Constable of any Borough appointed under this Act in the Execution of his Duty, or shall aid or incite any Person so to assault or resist, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every

Constables in the Night may take Bail by Recognizance from Persons brought before them for petty Misdemeanors, such Recognizance to be conditioned for their Appearance before a Magistrate.

In default of Appearance Recognizance to be forfeited.

Time of hearing may be postponed.

Penalties on Constables for Neglect of Duty.

Penalty for Assaults on Constables.

**Proviso.** such Offence forfeit and pay such Sum not exceeding Five Pounds as the said Justices shall think meet: Provided always, that nothing herein contained shall prevent any Prosecution by way of Indictment against any Person so offending, but so as that such Person shall not be prosecuted by Indictment and also proceeded against under this Act for the same Offence.

**Regulation and Payment of Expences, and Rewards for Activity, &c.**

LXXXII. And be it enacted, That the Treasurer of every Borough appointed under this Act shall pay to the Constables of such Borough appointed under this Act such Salaries, Wages, and Allowances, and at such Periods, as the Watch Committee for such Borough shall, subject to the Approbation of the Council, direct, and the Council shall order to be paid also any extraordinary Expences which such Persons shall appear to have necessarily incurred in apprehending Offenders and executing the Orders of any Justice of the Peace having Jurisdiction within such Borough, such Expences having been first examined and approved by such Justice; and the said Treasurer shall also pay such further Sums as the Watch Committee shall, subject to the Approbation of the Council, award to any of the Persons belonging to the said Constabulary Force, as a Reward for extraordinary Diligence or Exertion, or as a Compensation for Wounds or severe Injuries received in the Performance of their Duty, or as an Allowance to such of them as shall be disabled by bodily Injury received, or shall be worn out by Length of Service, and all other Charges and Expences which the Watch Committee shall, subject to the Approbation of the Council, direct to be paid for the Purposes of the Constabulary Force under this Act.

**Magistrates to appoint annually a certain Number of Persons to act as Special Constables.**

LXXXIII. And be it enacted, That any Two or more of the Justices of the Peace having Jurisdiction within any Borough are hereby authorized and required in the Month of *October* in every Year to nominate and appoint by Precept in Writing, under their Hands, so many as they shall think fit of the Inhabitants of such Borough (not legally exempt from serving the Office of Constable), to act as Special Constables within such Borough whenever they shall be required by the Warrant of any of the Justices of the Peace having Jurisdiction within such Borough so to act, and not otherwise; and every such Warrant shall recite that in the Opinion of the Justice granting the same the ordinary Police Force of the Borough is insufficient at that Time to maintain the Peace of the Borough; and every Person so appointed a Special Constable shall take the Oath set forth in the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, and shall have the Powers and Immunities and be liable to the Duties and Penalties enacted by the said last-mentioned Act; and every Person so appointed a Special Constable shall receive, out of the Borough Fund, for every Day during which he shall be called out to act as such, the Sum of Three Shillings and Sixpence, and no more.

1 & 2 W. 4. c. 41.

**Payment of Special Constables.**

**On Notice of Appointment of Constables, the present Provisions in Local**

LXXXIV. And be it enacted, That as soon as Constables shall have been appointed by the Watch Committee for any Borough, a Notice, signed by the Mayor of such Borough, specifying the Day on which such Constables shall begin to act, shall be fixed on

on the Door of the Town Hall and every Church within such Borough; and on the Day so specified in such Notice so much of all Acts named in conjunction with such Borough in the Schedule (E.) to this Act annexed, and of all Acts made before the passing of this Act, as relates to the Appointment, Regulation, Powers, and Duties, or to the Assessment or Collection of any Rate to provide for the Expences of any Watchmen, Constables, Patrol, or Police for any Place situated within such Borough, shall cease and determine; and all Watch-houses and Watchboxes in any such Place, and all Arms, Accoutrements, and other Necessaries provided at the Public Expence for any Watchmen, Constables, Patrol, or Police therein, shall be given up to such Persons as shall be named by the said Mayor in such Notice, for the Use and Accommodation of the Constables to be appointed under this Act, and all the Property so to be given up shall be deemed to belong to the Body Corporate of such Borough; and in case any Person having the Charge, Control, or Possession of any Watch-house, Watch-box, Arms, Accoutrements, or Necessaries as aforesaid shall neglect or refuse to give up the same as herein before required, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum not exceeding Five Pounds as the said Justices shall think meet; and where there shall be any Building in any such Place as aforesaid a Part only of which Building shall have been heretofore used as a Watch-house, such Part shall be given up every Day, from the Hour of Four in the Afternoon until the Hour of Nine in the Forenoon, for the Use and Accommodation of the Constables to be appointed under this Act; and if any Person having the Charge, Control, or Possession of any such Building shall neglect or refuse to give up such Part thereof for the Purposes aforesaid, or to permit free Access thereto or Egress therefrom during any Portion of the Time above prescribed, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as the said Justices shall think meet: Provided nevertheless, that in every Case in which before the passing of this Act a Rate might be levied in any Borough for the Purpose of watching, conjointly with any other Purpose, nothing in this Act contained shall be construed to prevent the levying and collecting of such Rate for such other Purpose solely, or to repeal the Powers given in any Act so far as the same relate to such other Purpose: Provided always, that where the Amount of such Rate before the passing of this Act might not exceed a given Rate in the Pound on the Value of Property rateable thereunto, the Rate so to be levied for such other Purpose solely shall not exceed such Proportion of the said given Rate in the Pound as shall appear to have been expended for such Purpose other than watching by an Account of the average yearly Expenditure during the last Seven Years, or where such Rate shall not have been levied during Seven Years, then during such less Number of Years as such Rate shall have been levied.

Acts as to  
watching, &c.  
to cease.

Watchboxes,  
Arms, &c. to be  
given up for  
their Use.

Penalty for not  
giving them up.

Proviso as to Rates in arrear, and as to Debts.

LXXXV. Provided always, and be it enacted, That any Rate for defraying the Expences of any Watchmen, Constables, Patrol, or Police in any such Place as aforesaid, made previously to the Day specified in such Notice as aforesaid, shall be levied and collected in the same Manner as if this Act had not been passed: Provided also, that nothing herein contained shall prevent the levying and collecting of any Rate in any such Place as aforesaid for the Purpose of paying any Debt contracted before the passing of this Act, or the Interest of any such Debt, but that such Rate shall and may be levied and collected in the same Manner as if this Act had not been passed.

Watch Committee to transmit a Report quarterly to the Secretary of State, and also a Copy of their Rules, &c.

LXXXVI. And be it enacted, That the Watch Committee of every such Borough shall, on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year, transmit to One of His Majesty's Principal Secretaries of State a Report of the Number of Men appointed to act as Constables or Policemen in such Borough, and of the Description of Arms, Accoutrements, and Clothing, and other Necessaries furnished to each Man, and of the Salaries, Wages, and Allowances payable to such Constables or Policemen, and of the Number and Situation of all Station Houses in such Borough; and also a Copy of all Rules, Orders, and Regulations which shall from Time to Time be made by such Watch Committee or by the Council of such Borough for the Regulation and Guidance of such Constables or Policemen.

Council to order Parts of a Borough not within a Local Act as to lighting to be included in such Act.

LXXXVII. ' And whereas Parts of certain Boroughs are within the Provisions of One or more Local Act or Acts for regulating the lighting thereof, and certain other Parts of the same Boroughs are not within the Provisions of any Local Act for regulating the lighting thereof, and for Want of such lighting the Efficiency of the Constables may be much diminished, and great Facilities afforded for the Commission of Crimes and for the Escape of Offenders; for Remedy thereof be it enacted, That it shall be lawful for the Council of any Borough in any Part of which there is a Local Act for the lighting thereof to make an Order that any Part of such Borough not being within the Provisions of any Local Act for the lighting thereof shall, from and after a certain Day to be named in such Order, be taken to be within the Provisions of such Local Act or Acts for lighting any Part of such Borough as the Common Council shall specify in such Order; and after such Day the Part named in such Order shall be within the Provisions of the Act or Acts so specified, so far as relates to lighting, or to any Rates authorized to be levied for the Purpose of lighting, as fully as if such Part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, that every Part named in such Order shall be lighted in the like Manner as those Parts which before the making of such Order were within the Provisions of such Local Act, and that the Rate to be raised for the Purpose of defraying the Expences of lighting any Part so named in such Order shall not exceed the Average Expence in the Pound of the lighting of the other Parts of such Borough.

Proviso as to Amount of Rate for lighting.

LXXXVIII. And

LXXXVIII. And be it enacted, That if the Council of any Borough chosen under this Act shall, by public Notice to be affixed on the outer Door of the Town Hall or in some public Place within the Borough, declare that on a certain Day, to be named in such Notice, not less than Twenty-one Days after the Day on which such public Notice shall have been given, they will take upon themselves the Powers given to the Inspectors named in a certain Act made in the Third and Fourth Year of His present Majesty, intituled *An Act to repeal an Act of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof*, so far as the same relates to the lighting the Whole or any Part of any Borough which is not within the Provisions of any Local Act, or in which there is no Power of levying Rates for lighting the same, the Council of such Borough shall, after the Day named in such Notice, have the same Powers and Duties as belong to Inspectors under the said last-recited Act in regard to lighting, and to levying Rates for the Purpose of lighting such Part of the Borough, except so far as the same are contrary to or inconsistent with the Provisions of this Act; and in such Case the Council shall have the sole Power to fix and determine the Amount of Money which they will call for in any One Year for the Purpose of lighting such Part of the Borough, so that such Sum shall not exceed the Rate of Sixpence in the Pound on the full and fair annual Value of all Property rateable to the Relief of the Poor within such Part of the Borough: Provided also, that it shall not be lawful in such Case for the Inhabitants of such Part of the Borough at any Time to determine that the Provisions of the said recited Act shall cease to be acted upon.

LXXXIX. Provided always, and be it enacted, That nothing herein contained shall be construed to interfere with the watching, paving, or lighting, and internal Regulations established for the Government and Security of any of His Majesty's Dockyards, Victualling Establishments, Arsenals, and Barracks respectively; nor shall any of the Tenements within the said Dockyards, Victualling Establishments, Arsenals, or Barracks, or the Inhabitants of the same, be liable to be assessed to the Rates for watching, paving, or lighting the other Parts of the City, Borough, or Parish within which the same may be respectively situated, unless such Tenements or the Inhabitants thereof are now or may hereafter become liable to be assessed to any such Rates made under or by virtue of any Law or Statute now in force; nor shall any thing herein contained extend to defeat or affect the Authority of Justices of the Peace which by an Act passed in the Second Year of His present Majesty's Reign, intituled *An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments*, is vested in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and in the Superintendents of the several Dockyards and other Naval and Victualling Establishments, in all Places and in all Matters relating to His Majesty's Naval Service, and to the Stores, Provisions, Ammunition, and Accounts thereof.

Council may assume the Powers of Inspectors under 3 & 4 W. 4. c. 90. for lighting any Part of the Borough not within a Local Act for lighting the same.

Act not to interfere with the Regulations for the Government, &c. of Dockyards, Arsenals, &c.

2 & 3 W. 4. c. 40.

Council to have  
Power to make  
Bye Laws.

XC. And be it enacted, That it shall be lawful for the Council of any Borough to make such Bye Laws as to them shall seem meet for the good Rule and Government of the Borough, and for Prevention and Suppression of all such Nuisances as are not already punishable in a summary Manner by virtue of any Act in force throughout such Borough, and to appoint by such Bye Laws such Fines as they shall deem necessary for the Prevention and Suppression of such Offences; provided that no Fine so to be appointed shall exceed the Sum of Five Pounds, and that no such Bye Law shall be made unless at least Two Thirds of the whole Number of the Council shall be present; provided that no such Bye Law shall be of any Force until 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 One of His Majesty's Principal Secretaries of State, and shall have been affixed on the outer Door of the Town Hall or in some other public Place within such Borough; and if at any Time within the said Period of Forty Days His Majesty, with the Advice of His Privy Council, shall disallow the same Bye Law or any Part thereof, such Bye Law or the Part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for His Majesty, if He shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law, if disallowed, 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.

As to Breaches  
of Bye Laws.

XCI. And be it enacted, That all the Provisions herein-after contained relative to Offences against this Act punishable upon summary Conviction shall be taken to apply to all Offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

All Corporate  
Property and all  
Fines received  
to be carried  
to the Account  
of the Borough  
Fund.

XCII. And be it enacted, That after the Election of the Treasurer in any Borough the Rents und Profits of all Hereditaments, and the Interest, Dividends, and annual Proceeds of all Monies, Dues, Chattels, and valuable Securities belonging or payable to any Body Corporate named in conjunction with the said Borough in the said Schedules (A.) and (B.), or to any Member or Officer thereof in his Corporate Capacity, and every Fine or Penalty for any Offence against this Act (the Application of which has not been already provided for), shall be paid to the Treasurer of such Borough; and all the Monies which he shall so receive shall be carried by him to the Account of a Fund to be called "The Borough Fund;" and such Fund, subject to the Payment of any lawful Debt due from such Body Corporate to any Person, which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the Council of such Borough from Time to Time shall be required or shall deem it expedient to redeem, and to the Payment from Time to Time of the Interest of so much thereof as shall remain unredeemed, and saving all Rights, Interests, Claims, or Demands of all Persons or Bodies Corporate in or upon the Real or Personal Estate of any Body Corporate by virtue of any Proceedings either at Law or in Equity which have been already instituted or which may be hereafter instituted, or by virtue of any Mortgage or otherwise,

Payment of  
Debts, &c.  
Salaries of  
Recorder,  
Town Clerk,  
Treasurer, and  
other Officers,  
and Election  
Expences to be  
paid out of  
such Fund.

shall

shall be applied towards the Payment of the Salary of the Mayor, and of the Recorder and of the Police Magistrate herein-after mentioned when there is a Recorder or Police Magistrate, and of the respective Salaries of the Town Clerk and Treasurer, and of every other Officer whom the Council shall appoint, and also toward the Payment of the Expences incurred from Time to Time in preparing and printing Burgess Lists, Ward Lists, and Notices, and in other Matters attending such Elections as are herein mentioned, and, in Boroughs which shall have a separate Court of Sessions of the Peace as is herein-after provided, towards the Expences of the Prosecution, Maintenance, and Punishment of Offenders, and towards such other Sum to be paid by such Borough to the Treasurer of such County as is herein-after provided, and towards the Expence of maintaining the Borough Gaol, House of Correction, and Corporate Buildings, and towards the Payment of the Constables, and of all other Expences not herein otherwise provided for which shall be necessarily incurred in carrying into effect the Provisions of this Act; and in case the Borough Fund shall be more than sufficient for the Purposes aforesaid, the Surplus thereof shall be applied, under the Direction of the Council, for the public Benefit of the Inhabitants and Improvement of the Borough; provided that it shall not be lawful for the Council to be elected under the Provisions of this Act, in any Borough in which the Body Corporate named in conjunction with the said Borough in the said Schedules (A.) and (B.), before the Time of the passing of this Act shall have contracted any lawful Debt chargeable on any Tolls or Dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof in his Corporate Capacity, or towards the Satisfaction whereof such Tolls or Dues or any Part thereof were applicable before the passing of this Act, to alter or reduce the Amount to be levied and payable of such Tolls or Dues, or to grant for any Consideration any Remission of or Exemption from such Tolls or Dues or any Part thereof, unless with the Consent in Writing under the Hands of a Majority in Number and Amount of the Creditors to whom such Debt is due, until after such Debt and all Arrears of Interest due thereon shall have been fully paid and satisfied; and in case the Borough Fund shall not be sufficient for the Purposes aforesaid, the Council of the Borough is hereby authorized and required from Time to Time to estimate, as correctly as may be, what Amount, in addition to such Fund, will be sufficient for the Payment of the Expences to be incurred in carrying into effect the Provisions of this Act; and in order to raise the Amount so estimated the said Council is hereby authorized and required from Time to Time to order a Borough Rate in the Nature of a County Rate to be made within their Borough, and for that Purpose the Council of such Borough shall have within their Borough all the Powers which any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England* have within the Limits of their Commission by virtue of an Act made in the Fifty-fifth Year of His late Majesty King *George* the Third, intituled *An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates*, or as near thereto

Application of  
Surplus.

If the Fund be  
insufficient,  
the Council  
shall order a  
Rate to make up  
the Deficiency.

55 G. 3. c. 51.

thereto as the Nature of the Case will admit, except as is herein-after excepted; and all Warrants required by the said Act to be issued under the Hands and Seals of Two or more Justices shall in like Case be signed by the Mayor, and sealed with the Seal of the Borough; provided that such Council shall not be empowered to receive, hear, or determine any Appeal against any such Rate; and if any Person shall think himself aggrieved by any such Rate it shall be lawful for him to appeal to the Recorder herein-after mentioned at the next Quarter Sessions for the Borough in which such Rate has been made, or in case there shall be no Recorder within such Borough, to the Justices at the next Court of Quarter Sessions for the County within which such Borough is situate or whereunto it is adjacent; and such Recorder or Justices respectively shall have Power to hear and determine the same, and to award Relief in the Premises, as in the Case of an Appeal against any County Rate; and all such Sums levied in pursuance of such Borough Rate shall be paid over to the Account of the Borough Fund, and, subject to the Provisions herein-before contained, shall be applied to all Purposes to which before the passing of this Act a Borough Rate or County Rate was by Law applicable in such Borough or County: Provided that in every Case in which before the passing this Act any Rate might be levied in any Borough, or in any Parish or Place made Part of any Borough under the Provisions of this Act, for the Purpose of watching solely by Day or by Night, or for the Purpose of watching by Day or by Night conjointly with any other Purpose, it shall be lawful for the Council of such Borough to levy a Watch Rate sufficient to raise any Sum not greater than the average yearly Sum which during the last Seven Years, or where such Rate shall not have been levied during Seven Years then during such less Number of Years as such Rate shall have been levied, shall have been expended in the Maintenance and Establishment of Watchmen, Constables, Patrole, or Policemen within the District in which such Rate was levied, and for that Purpose the Council shall have all the Powers herein-before given to the Council in the Matter of the Borough Rate; and where any Part of any Borough shall not at the Time of the passing of this Act be within the Provisions of the Act authorizing the Levy of such Rate for watching as aforesaid it shall be lawful for the Council from Time to Time to order that such Part, or so much thereof as to the Council shall seem fit, shall be rated to the Watch Rate in like Manner as other Parts of the Borough to be specified in such Order, and such Watch Rate thereupon shall be levied within the Part mentioned in such Order in like Manner as in the other Parts of the Borough so specified, and all such Sums levied in pursuance of such Watch Rate shall be paid over to the Account of the Borough Fund: Provided always, that no such Order as last aforesaid shall be made for rating to such Watch Rate any Part of any Borough in which at the Time of passing this Act such Rate as aforesaid shall not be levied, and which is more than Two hundred Yards distant from any Street or continuous Line of Houses which shall be regularly watched within the Borough under the Provisions of this Act: Provided also, that nothing in this Act contained shall



shall be construed to render liable to the Payment of any Debt contracted before the passing of this Act by any Body Corporate any Part of the Real or Personal Estate of the said Body Corporate which before the passing of this Act was not liable thereto, or to authorize the Levy of any Rate within any Part of any Borough for the Purpose of paying any Debt contracted before the passing of this Act which before the passing of this Act could not lawfully be levied therein towards the Payment of the same.

XCIII. And be it enacted, That the Treasurer of every Borough shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid; and the Books containing the Accounts shall at all seasonable Times be open to the Inspection of any of the Aldermen or Councillors of such Borough; and all the Accounts, with all Vouchers and Papers relating thereto, shall, in the Months of *March* and *September* in every Year, be submitted by the Treasurer of the Borough to the Auditors herein-before provided to be elected, and to such Member of the Council as the Mayor shall name on the First Day of *March* in every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited, from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named, and if the said Accounts shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall have been so examined and audited in the Month of *September* in every Year, the Treasurer shall make out in Writing, and shall cause to be printed, a full Abstract of his Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Rate-payers of such Borough, and Copies thereof shall be delivered to all Rate-payers of such Borough applying for the same, on Payment of a reasonable Price for each Copy.

XCIV. And be it enacted, That it shall not be lawful for the Council of any Body Corporate to be elected under this Act to sell, mortgage, or alienate the Lands, Tenements, or Hereditaments of the said Body Corporate, or any Part thereof, except in pursuance of some Covenant, Contract, or Agreement *bonâ fide* made or entered into on or before the Fifth Day of *June* in this present Year, by or on behalf of the Body Corporate of any Borough, or of some Resolution duly entered in the Corporation Books of such Body Corporate on or before the said Fifth Day of *June*, or to demise or lease, except in pursuance of some Covenant, Contract, or Agreement *bonâ fide* made or entered into on or before the said Fifth Day of *June* by or on the Behalf of such Body Corporate, or in pursuance of some Resolutions duly entered in the Corporation Books of such Body Corporate on or before the said Fifth Day of *June*, or except in the Cases herein-after mentioned, any Lands, Tenements, or Hereditaments of such Body Corporate, or any Part thereof, or to enter into any new Covenant, Contract, or Agreement (except in the Cases herein-after

Accounts of Receipts and Disbursements to be kept, audited, and published.

Power of Sale and leasing restrained.

after mentioned) for demising or leasing any such Lands, Tenements, or Hereditaments, or any Part thereof, for any Term exceeding Thirty-one Years from the Time when such Lease shall be made, or if made in pursuance of a previous Agreement, then from the Time when such Agreement shall have been entered into; and in every Lease which the said Council is not hereby restrained from making there shall (except in the Cases herein-after mentioned) be reserved and made payable during the whole of the Term thereby granted such clear yearly Rent as to the Council shall appear reasonable, without taking any Fine for the same: Provided nevertheless, that in every Case in which such Council shall deem it expedient to sell and alienate or to demise and lease for a longer Term than Thirty-one Years, or upon different Terms and Conditions than those herein-before mentioned, any of the said Lands, Tenements, or Hereditaments, it shall be lawful for such Council to represent the Circumstances of the Case to the Lords Commissioners of His Majesty's Treasury; and it shall be lawful for such Council, with the Approbation of the said Lords Commissioners or any Three of them, to sell, alienate, and demise any of the Lands, Tenements, and Hereditaments of the said Body Corporate in such Manner and on such Terms and Conditions as shall have been approved by the said Lords Commissioners: Provided always, that Notice of the Intention of the Council to make such Application as aforesaid shall be fixed on the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, One Calendar Month at least before such Application; and a Copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess at all reasonable Hours during the same.

The Council of any Borough under this Act authorized to renew Leases, &c.

XCIV. Provided always, and be it enacted, That in all Cases in which any Body Corporate shall on the Fifth Day of *June* in this present Year have been bound or engaged by any Covenant or Agreement, express or implied, or have been enjoined by any Deed, Will, or other Document, or have been sanctioned or warranted by ancient Usage or by Custom or Practice, to make any Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or on the dropping of any Life or Lives, and Years determinable after the Lapse of any Number of Years, at a Fine certain, or under any special or specific Terms or Conditions, and also in all Cases in which any Body Corporate shall theretofore have ordinarily made Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or upon the dropping of any Life or Lives, upon the Payment of an arbitrary Fine, it shall be lawful for the Council of such Borough to renew such Lease for such Term or Number of Years, either absolutely or determinable with any Life or Lives, or for such Life or Lives, and at such Rent, and upon the Payment of such Fine or Premium, either certain

certain or arbitrary, and with or without any Covenant for the future Renewal thereof, as such Body Corporate could or might have done in case this Act had not been passed.

XCVI. Provided nevertheless, and be it enacted, That in any of the Instances herein-after mentioned it shall be lawful for the Council from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any of the said Lands, Tenements, or Hereditaments, to any Person, Body Politic, Corporate, or Collegiate, for any Term not exceeding Seventy-five Years from the Time of making such Lease or Agreement; (that is to say,) of Tenements or Hereditaments the greater Part of the yearly Value of which shall at the Time of making the Lease or Agreement consist of any Building or Buildings, of Land or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, or other Appurtenances to be used therewith, and, where the Lessee or intended Lessee shall covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground, of Land or Ground proper for Gardens, Yards, Curtilages, or other Appurtenances to be used with any other House or other Building erected or to be erected on any such Ground, belonging either to such Body Corporate or to any other Proprietor, or proper for any other Purpose calculated to afford Convenience or Accommodation to the Occupiers of any such House or Building.

XCVII. And be it enacted, That it shall be lawful for the Council first to be elected in any Borough under the Provisions of this Act to call in question all Purchases, Sales, Leases, and Demises not made in pursuance of some such *bond fide* Covenant, Contract, Agreement, or Resolution made or entered into as aforesaid before the said Fifth Day of *June*, and all Contracts for the Purchase, Sale, Lease, or Demise of any Lands, Tenements, and Hereditaments, and all Divisions and Appropriations of the Monies, Goods, and valuable Securities, or any Part of the Real or Personal Estate, of which on or before the Fifth Day of *June* in this present Year the Body Corporate of which they are the Council, whether in their own Right or as Trustees for charitable or other Purposes, was seised or possessed, which shall have been made or contracted between the said Fifth Day of *June* and the Day of the Declaration of their Election; and for that Purpose, if it shall appear to the said Council that there is Ground for believing that any such Purchase, Sale, Lease, or Demise, or such Contract, or such Division or Appropriation of the Premises, was collusively made for no Consideration, or for an inadequate Consideration, it shall be lawful for the Council of such Borough, at any Time within Six Calendar Months next after the First Election of Councillors under this Act shall have been declared in such Borough, upon Notice of their Intention being first given in the *London Gazette*, and also affixed on the outer Door of the Town Hall or in some public Place within the Borough, to cause the Value of the Lands, Tenements, Hereditaments, and Premises in question to be inquired of and found by a Jury of Twelve indifferent Men of the County in which, or adjoining to which in the Case of *Berwick-upon-Tweed*, and of

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

Collusive Purchases, Sales, and Demises of Corporate Property since the 5th June 1835, for undue Consideration, may be set aside.

all Counties of Cities and Towns Corporate, such Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto the said Council is empowered to summon and call before such Jury all Persons having the Custody and Possession of any Deed or Agreement concerning the said Lands, Tenements, Hereditaments, and Premises made or entered into since the said Fifth Day of *June*, and to cause all such Deeds and Agreements to be produced before the said Jury, and examined by them, and to examine upon Oath every Person who shall be thought necessary to be examined (which Oath the Mayor is hereby empowered to administer); and the Council shall, by ordering a View or otherwise, use all lawful Means for the Information as well of themselves as of the said Jury in the Premises; and the Jury shall find the Value of the said Lands, Tenements, Hereditaments, and Premises, and the Consideration which shall have been given, and also that which ought of Right to have been given, for the Purchase, Sale, Lease, Demise, or Appropriation thereof, according to the Terms of such Purchase, Sale, Lease, Demise, Contract, or Appropriation, and taking into account all the Circumstances under which the same shall have taken place; and if the Jury by their Oaths shall find that no Consideration, or a Consideration less than that which they shall have so found to be the Value which ought therefore to have been given, shall have been collusively given or contracted to be given by the Terms of any such Purchase, Sale, Lease, Demise, Contract, or Appropriation, the Party to such Purchase, Sale, Lease, Demise, Contract, or Appropriation shall have his Option, either to re-convey and restore the Lands, Tenements, Hereditaments, and Premises in question, and to abandon the Contract to which he shall have been Party, upon Receipt in each Case of the Consideration, if any, which he shall have given for the same, or to give therefore in each Case such additional Consideration so that the whole Consideration given shall be that which ought of Right to have been given, so found by the Jury as aforesaid; and in every such Case as last aforesaid the additional Consideration given or to be given shall be endorsed on the original Deed or Conveyance; and unless he shall so do within One Calendar Month next after the Finding of the Jury every such Purchase, Sale, Lease, Demise, Contract, and Conveyance shall be absolutely void and of none Effect as against the said Body Corporate and their Successors; and in every Case in which any such Contract shall have been abandoned as aforesaid, or in which any such Purchase, Sale, Lease, Demise, Contract, or Conveyance shall become void and of none Effect, under the Provisions of this Act, the Party who would otherwise have had the Benefit of the same shall be remitted to his former Estate, Title, and Interest (if any) in the Premises as if no such Contract, Purchase, Sale, Lease, or Demise had been made or entered into; and for summoning and returning such Juries, and for imposing Fines on the Sheriff, his Deputy, Bailiff, or Agent, and on the Persons summoned and returned on the said Jury, and on any Person required to give Evidence, who shall in this Behalf contravene the Provisions of this Act, the Council of every such Borough shall have all the Powers given in that Behalf to the Trustees or Commissioners of any Turnpike

Turnpike Road by an Act made in the Third Year of His late Majesty *George the Third*, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; and all the Costs of the said Jury, and of all Witnesses tendered by the said Council to be examined before the said Jury, shall in every Case be borne by the Council, and paid out of the Borough Fund: Provided nevertheless, that it shall be lawful for His Majesty, if He shall think fit, by the Advice of His Privy Council, upon Petition to Him setting forth the special Circumstances under which any Purchase, Sale, Lease, Demise, Contract, or Appropriation of any of the said Lands, Tenements, Hereditaments, and Premises shall have been made since the said Fifth Day of *June*, to order that the same shall not be called in question under the Provisions of this Act; and in such Case as last aforesaid the same shall not be called in question or set aside or affected under the Provisions of this Act: Provided always, that in every Case in which such Petition shall have been presented it shall be lawful for His Majesty, if He shall think fit, to enlarge the Time within which (in case His Majesty shall not think fit to make such Order as aforesaid) the Council may have Power as aforesaid to call in question any Purchase, Sale, Lease, Demise, Contract, or Appropriation referred to in such Petition.

XCVIII. And be it enacted, That it shall be lawful for His Majesty from Time to Time to assign to so many Persons as he shall think proper His Majesty's Commission to act as Justices of the Peace in and for each Borough, and in and for each of the Counties of Cities and Towns respectively named in the said Schedule (A.), and in and for each of the Boroughs in the said Schedule (B.) to which His Majesty may be pleased upon the Petition of the Council thereof to grant a Commission of the Peace: Provided nevertheless, that every Person so to be assigned shall reside within the Borough for which he shall be so assigned, or within Seven Miles of such Borough, or of some Part thereof, during such Time as he shall act as a Justice of the Peace in and for such Borough.

XCIX. And be it enacted, That if the Council of any Borough shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye Law fixing the Amount of the Salary which he or they are to receive in that Behalf; and such Bye Law so made by any Council as aforesaid shall be transmitted to One of His Majesty's Principal Secretaries of State, and it shall be lawful thereupon for His Majesty, if he shall think fit, to appoint One or more fit Persons, according to the Number fixed in the said Bye Law (being Barristers at Law of not less than Five Years standing), to be during His Majesty's Pleasure Police Magistrate or Magistrates and a Justice or Justices of the Peace for such Borough, and to direct that such Sum shall be paid quarterly out of the Borough Fund of such Borough as will be sufficient to pay such yearly Salary to each of the Justices so assigned as last aforesaid, not exceeding in the whole the Salary mentioned in the Prayer of such Petition, clear of all Fees or

His Majesty's Commission may be issued for certain Persons to act as Justices in any of such Boroughs.

Councils may make Bye Laws, on which the Crown may appoint salaried Justices.

Deductions, as to His Majesty shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the Salary so directed to be paid, by Four equal quarterly Payments, and in the same Proportion up to the Time of the Death of such Justice or his ceasing to act under such Assignment as aforesaid; provided that in every Case of Vacancy of the Office of Police Magistrate in any Borough aforesaid no new Appointment of Police Magistrate in such Borough shall be made until the Council shall again make Application to One of His Majesty's Principal Secretaries of State in that Behalf, and as in the Case of the first Appointment of a Police Magistrate in such Borough.

Council to provide a Police Office.

C. And be it enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the Provisions of this Act shall be authorized and required to provide and furnish One or more fit and suitable Office or Offices, to be called "The Police Office" or "Offices" of the Borough, for the Purpose of transacting the Business of the Justices of such Borough, and to pay from Time to Time out of the Borough Fund such Sums as may be necessary for providing, upholding, and furnishing, and for the necessary Expences of such Police Office or Offices; provided that no Room in any House licensed as a Victualling House or Alehouse shall be used for the Purposes of any such Police Office.

Justices need not be qualified by Estate.

CI. And be it further enacted, That every Person assigned to keep the Peace within any Borough under the Provisions of this Act, or any of them, shall, during the Continuance of such Assignment, execute the Duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although he may not have such Qualification by Estate as is required by Law in the Case of other Persons being Justices of the Peace for a County, provided that such Person be not disqualified by Law to act as a Justice of the Peace for any other Cause or upon any other Account than in respect of Estate, and although such Person may not be a Burgess of the Borough in and for which he shall have been assigned to act as a Justice of Peace; and that every Summons for the Appearance of any Person, or Warrant to compel such Appearance, or Warrant for the Apprehension of any Person charged with any Offence, or Search Warrant, issued by any Justice of the Peace acting in and for any Borough in any Matter within his Jurisdiction, may be respectively served and executed within any County in which the said Borough shall be situated, or within any Distance not exceeding Seven Miles from such Borough, and within such Limits as aforesaid shall have the same Force and Effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace having Jurisdiction in the Place where the same shall be served or executed, any Law, Statute, Charter, or Usage to the contrary notwithstanding; and every such Summons and Warrant shall and may be lawfully served or executed within such Limits as aforesaid by the Constable or Special Constable to whom the same shall be directed: Provided nevertheless, that no such Person, by virtue of such Assignment, shall act as a Justice of the Peace

Such Justices not to sit in

at any Court of Gaol Delivery or General or Quarter Sessions, or in making or levying any County Rate, or Rate in the Nature of a County Rate.

Courts of Gaol Delivery, &c.

CII. And be it enacted, That it shall be lawful for the Justices of every Borough to which a separate Commission of the Peace shall be granted as aforesaid, at their First or any other Meeting, and they are hereby respectively required, to appoint a fit Person to be the Clerk to the Justices of such Borough, to be removable at their Pleasure, and so as often as there shall be a Vacancy in the said Office of Clerk to the Justices by Death, Resignation, Removal, or otherwise; provided that it shall not be lawful for the said Justices to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace of such Borough, or the Partner of such Clerk of the Peace, or any Clerk or Person in the Employ of such Clerk of the Peace: Provided also, that it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the Prosecution of any Offender committed for Trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery or General or Quarter Sessions; and any Person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the Partner or Clerk or in the Employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, one Moiety thereof to the Treasurer of such Borough, to be paid over to the Credit and Account of the Borough Fund of such Borough, and the other Moiety thereof, with full Costs of Suit, to any Person who will sue for the same in any of His Majesty's Courts of Record at *Westminster*.

Justices to appoint a Clerk, who shall not be Clerk of the Peace, or an Alderman or Councillor, nor be concerned in the Prosecution of Offenders committed by the Borough Justices.

CIII. And be it enacted, That the Council of every Borough, which shall be desirous that a separate Court of Quarter Sessions of the Peace shall be or continue to be holden in and for such Borough shall signify the same by Petition to His Majesty in Council, setting forth the Grounds of the Application, the State of the Gaol, and the Salary which they are willing to pay to the Recorder in that Behalf; and it shall be lawful for His Majesty, if He shall be pleased thereupon to grant that a separate Court of Quarter Sessions of the Peace shall be thenceforward holden in and for such Borough, to appoint for such Borough, or for any Two or more of such Boroughs conjointly, a fit Person, being a Barrister at Law of not less than Five Years standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such Office during his good Behaviour, and upon any Vacancy in any such Office to appoint another fit Person, being a Barrister at Law of not less than Five Years standing, to be the Recorder in the Place of the Person so making such Vacancy; and the Council of every such Borough shall appoint a fit Person to be Clerk of the Peace during his good Behaviour; and the Recorder for the Time being of any Borough shall be a Justice of the Peace of and for such Borough, although he may not have such Qualification by Estate as is required by Law in the Case of any other Person being a Justice of the Peace for a

His Majesty may grant a separate Court of Quarter Sessions, and appoint a Recorder, in certain Boroughs.

Recorder to be a Justice of the Peace for the Borough;

County; and such Recorder shall have Precedence in all Places within the Borough of which he may be the Recorder next after the Mayor thereof; and in such Case it shall be lawful for His Majesty to direct that an annual Salary, not exceeding the Sum stated in the Petition of the Council, shall be paid to such Recorder by the Treasurer of such Borough out of the Borough Fund: Provided always, that no Person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough, nor shall he be an Alderman, Councillor, or Police Magistrate of such Borough: Provided nevertheless, that nothing in this Act contained shall be construed to disqualify any such Recorder from being appointed a Barrister to revise any List of Voters under the Provisions of an Act passed in the Second Year of His Majesty, intituled *An Act to amend the Representation of the People in England and Wales*, or from being eligible to serve in Parliament, otherwise than is herein-before provided: Provided also, that in every Borough in and for which a separate Court of General or Quarter Sessions of the Peace is now holden, and of which the present Recorder or Deputy Recorder is a Barrister of Five Years standing, such Recorder or Deputy Recorder, being qualified as aforesaid, shall be continued or appointed Recorder under the Provisions of this Act: Provided also, that in the Case of Sickness or unavoidable Absence, the Recorder of any Borough shall be empowered, under his Hand and Seal, with the Consent of the Council of such Borough, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions of the Peace then next ensuing, and no longer or otherwise.

but not a Member of Parliament for the Borough, Alderman, &c.

2 W. 4. c. 45.

Recorder and Justices to make Declaration before acting.

CIV. Provided nevertheless, and be it enacted, That no Recorder or Person assigned to keep the Peace within any such Borough shall be capable of acting as Recorder or Justice of the Peace within such Borough until he shall have taken the Oaths provided to be taken by Justices of the Peace, except the Oath as to Qualification by Estate, and until he shall have made before the Mayor or before any Two or more of the Aldermen or Councillors of such Borough (who is and are hereby authorized and required to administer the same) a Declaration in the following Form; (that is to say,)

‘ I *A. B.* do hereby declare, That I will faithfully and impartially execute the Office of Recorder [*or Justice of the Peace*] for the Borough of \_\_\_\_\_ according to the best of my Judgment and Ability.’

Sessions of the Peace to be held for the Borough, of which the Recorder to be the sole Judge.

CV. And be it enacted, That the Recorder of every Borough shall hold once in every Quarter of a Year, or at such other and more frequent Times as the said Recorder in his Discretion may think fit, or as His Majesty shall think fit to direct, a Court of Quarter Sessions of the Peace in and for such Borough, of which Court the Recorder of such Borough shall sit as the sole Judge; and such Court of Quarter Sessions of the Peace shall be a Court of Record, and shall have Cognizance of all Crimes, Offences, and Matters whatsoever cognizable by any Court of Quarter Sessions of the Peace for Counties in *England*, and the said Recorder shall have Power to do all Things necessary for exercising such Jurisdiction, notwithstanding his being such  
sole



sole Judge, as fully as any such last-mentioned Court: Provided nevertheless, that no Recorder, by virtue of his Office, shall have Power to make or levy any County Rate, or Rate in the Nature of a County Rate, or to grant any Licence or Authority to any Person to keep an Inn, Alehouse, or Victualling House, to sell exciseable Liquors by Retail, or to exercise any of the Powers herein specially vested in the Council of such Borough.

**CVI.** And be it enacted, That in the Absence of the Recorder and Deputy Recorder the Mayor shall be authorized and required, at the proper Times appointed for the holding of such Court of Quarter Sessions of the Peace in and for such Borough, to open the said Court, and to adjourn over the holding of the same, and to respite all Recognizances conditioned for appearing at the same, until such further Day as such Mayor then and there, and so from Time to Time, shall cause to be proclaimed: Provided nevertheless, that nothing in this Act contained shall authorize or require any such Mayor to sit as a Judge of the said Court for the Trial of Offenders, or to do any other Act in the Character of a Judge of such Court, save only in opening and adjourning the same, and respiting the said Recognizances in manner aforesaid.

**CVII.** And be it enacted, That after the First Day of *May* One thousand eight hundred and thirty-six all Powers and Jurisdictions to try Treasons, Capital Felonies, and all other Criminal Jurisdictions whatsoever granted or confirmed by any Law, Statute, Letters Patent, Grant, or Charter whatsoever, to any Mayor, Bailiff, Alderman, Recorder, or other Corporate or Chartered Officer, or Corporate or Chartered Justice of the Peace whomsoever, in any Borough, and all Right of any Body Corporate in any Borough, or any of the Members thereof, by virtue of any Law, Statute, Letters Patent, Grant, or Charter whatsoever, to elect or nominate any Justices to keep the Peace in and for any Borough, or by any Members of any such Corporate Body to act as such Justices of the Peace in or for any of the last-named Boroughs other than is herein declared, shall cease: Provided nevertheless, that nothing in this Act contained shall be construed to restrain or prevent the holding of any Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any Borough for which such Court may now be holden, until the said First Day of *May*, but every such Court may be holden in like Manner, and with the same Powers, until the said First Day of *May*, as if this Act had not been passed.

**CVIII.** And be it enacted, That from and after the passing of this Act so much of all Laws, Statutes, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent heretofore granted to any Borough or Body Corporate, whereby such Borough, or any Place within the Precincts or Liberties of the same, or such Body Corporate, or the Freemen or Inhabitants of the same, claims or claim to be exempted and released from the Jurisdiction and Office of the Lord High Admiral of *England*, or of the High Court of the Admiralty of *England*, or whereby any Body Corporate, or any Mayor, Bailiff, Recorder, Steward, or other Chartered or Corporate Officer of any Borough has or claims any thing belonging to the Office of Admiral,

Recorder not to make or levy County Rate, &c.

Mayor, in the Absence of the Recorder and Deputy Recorder, may open and adjourn the Court.

Capital Jurisdictions, and all other Criminal Jurisdictions in Boroughs, other than are specified in this Act, abolished.

Chartered Admiralty Jurisdictions abolished.

whether or not to be exercised by virtue of any Commission to them or any of them to be directed, shall be and the same is hereby repealed: Provided nevertheless, that nothing in this Act contained shall extend to alter or affect the Jurisdiction and Office of the Lord Warden in his Office of Admiral of the Cinque Ports: Provided also, that all Suits and Matters wherein before the passing of this Act the Rights of any Salvors, or any Droits or Perquisites to the Office of Admiral belonging, were drawn into question, may be continued, heard, determined, and adjudicated upon in like Manner as if this Act had not passed.

Certain Exceptions in 38 G. S. c. 52. repealed; and Berwick-upon-Tweed to be a County of a Town.

CIX. And whereas an Act was passed in the Thirty-eighth Year of His late Majesty *George* the Third, intituled *An Act to regulate the Trial of Causes, Indictments, and other Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom*, but certain Cities and Counties of Cities were excepted out of the Operation of the same: And whereas it is expedient to repeal in part the said Exceptions; be it therefore enacted, That so much of the last-recited Act as provides that nothing therein contained shall extend or be construed to extend to the City or County of the City of *Bristol*, or the City or County of the City of *Chester*, or to the Criminal Jurisdiction of the City of *Exeter* and County of the same City, shall be and the same is hereby repealed; and that the Town of *Berwick-upon-Tweed* shall be taken to be a County of a Town Corporate, and to be within all the Provisions of the last-recited Act; and that after the First Day of *May* in the Year One thousand eight hundred and thirty-six, and until His Majesty shall be pleased to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed within any County of a City or Town Corporate, all Bills of Indictment for Offences committed within such County of a City or Town Corporate shall be preferred and all Proceedings upon such Indictments shall be had as in the last-recited Act is authorized to be done, and the Counties of the Cities and Towns Corporate named in the First Column of the Schedule (C.) to this Act annexed shall be considered as next adjoining to the County named in conjunction with the same respectively in the Second Column of the said Schedule (C.)

As to Trial of Offences committed in Counties of Cities and Towns Corporate.

Offenders committed to Borough Sessions whose Jurisdiction is taken away to be tried in the adjoining County.

CX. And be it enacted, That after the said First Day of *May* One thousand eight hundred and thirty six every Person who shall then stand committed to take his Trial at any Court of Gaol Delivery, General or Quarter Sessions of the Peace for any Borough, charged with any Offence which the Recorder of such Borough after the said First Day of *May* will not have Jurisdiction to try, may be lawfully removed and committed to the Gaol or House of Correction of the County in which or adjoining to which such Borough is situated, there to remain and take his Trial at the next Court of Quarter Sessions for such County, if the Offence is cognizable by a Court of Quarter Sessions, and if not, then before the Judges of Oyer and Terminer and Gaol Delivery at their next Circuit; and all Persons bound by Recognizance to prosecute and give Evidence against such Offenders shall be bound to appear to prosecute and give their Evidence at the Court at which such Offenders shall be tried as aforesaid; and

and all such Recognizances and all Depositions relating to such Charges shall be transmitted to the proper Officer of the Court where such Offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers, and other Officers of the County in which such Offenders shall be so tried are hereby authorized and required in every such Case to receive every Prisoner so committed to their Custody, and him safely to keep until delivered by due Course of Law; and the Judges of Assize and others named in His Majesty's Commissions of Oyer and Terminer and Gaol Delivery, or the Justices for the County, as the Case may be, in which such Offenders shall be tried, are hereby authorized and required to hear and determine all such Cases, and to order the Payment of the usual and fit Expences of the Prosecutors and Witnesses, and all other Costs and Expences which in like Case may be directed to be paid by Order of the Court.

CXI. And be it enacted, That after the said First Day of *May* One thousand eight hundred and thirty-six the Justices assigned or hereafter to be assigned to keep the Peace in and for the County in which any Borough is situated, to which His Majesty shall not have granted that a separate Court of Quarter Sessions of the Peace shall be holden in and for the same, shall exercise the Jurisdiction of Justices of the Peace in and for such Borough as fully as by Law they and each of them can or ought to do in and for the said County; and no Part of any Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be within the Jurisdiction of the Justices of any County from which such Borough before the passing of this Act was exempt, any Law, Statute, Letters Patent, Charter, Grant, or Custom to the contrary notwithstanding.

CXII. And be it enacted, That within Ten Days after the Grant of a separate Court of Quarter Sessions of the Peace to any Borough the Council of such Borough shall send a Copy of such Grant, sealed with the Seal of the Borough, to the Clerk of the Peace of the County in which such Borough or any Part thereof is situated; and after the Grant of such Court to any Borough it shall not be lawful for the Justices of the Peace of any County wherein such Borough or Part of such Borough is situate to assess any Messuages, Lands, Tenements, or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every such Borough shall thenceforward be wholly free and discharged from contributing, otherwise than is hereinafter provided, to any Rate or Assessment of any Kind of and for the County in which any Part of such Borough is situated: Provided nevertheless, that all Arrears of such Rates theretofore made may be levied and collected as if this Act had not been passed.

CXIII. And whereas by an Act made in the Seventh Year of His late Majesty *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England and Wales*, it was enacted that all Sums directed to be paid by virtue of that Act in respect of Felonies and Misdemeanors therein enumerated, committed in Liberties, Franchises, Cities, Towns, and Places which do not contribute to the Payment of any County Rate, should be paid as therein is directed; be it therefore

County Justices to have Jurisdiction in all Boroughs which have not a separate Court of Quarter Sessions of the Peace under this Act.

Certain Boroughs not to be assessed to County Rates.

Boroughs to pay the Expences of Prosecutions at the Assizes.  
7 G. 4. c. 64.

therefore enacted, That all Sums directed to be paid by virtue of the last-recited Act in respect of Felonies and such Misdemeanors as aforesaid, committed or supposed to have been committed in any Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, shall be paid out of the Borough Fund of such Borough, any thing in the said Act contained notwithstanding; and the Order of Court shall in every such Case be directed to the Treasurer of such Borough instead of the Treasurer of the County.

Treasurers of Counties to keep an Account of Expenses of Prosecution of Offenders, &c.

CXIV. And be it enacted, That the Treasurer of every County in *England* and *Wales* shall keep an Account of all Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport of all Offenders committed for Trial to the Assizes in such County from any Borough in which a separate Court of Quarter Sessions of the Peace shall be holden; and the Treasurer of every such County shall, not more than Twice in every Year, send a Copy of the said Account to the Council of each of the said Boroughs, and shall make an Order for Payment of the same on the Council of such Borough; and the Council of every such Borough shall forthwith order the same, with all reasonable Charges of making and sending such Account, to be paid to the Treasurer of such County out of the Borough Fund; and in case any Difference shall arise concerning the said Account, it shall be decided by the Arbitration of a Barrister to be named as is provided in the Case of Differences with respect to the Payment of Monies under Contracts made by Authority of an Act made in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*: Provided that nothing herein contained shall be construed to alter or restrain the Powers given by the last-mentioned Act of contracting with the Justices of the Peace having Authority or Jurisdiction in and over any Gaol or House of Correction of the County wherein or where such Borough is situated, or whereto it is adjacent, for the Conveyance, Support, and Maintenance in such last-mentioned Gaol or House of Correction of Prisoners committed thereto from such Borough, save only that all such Powers shall after the First Day of *May* One thousand eight hundred and thirty-six be vested in the Council of such Borough in the Name of the Body Corporate whose Council they are, and in none other; and for the Purpose of making such Contracts as aforesaid the Council of such Borough, and none other, shall have Power to make the Orders required by the said last-mentioned Act to be made by the Justices of the Borough at the Borough Sessions.

In case of Difference respecting such Account the same to be referred to Arbitration, as provided in 5 G. 4. c. 85.

Council may contract for committing Prisoners to the Gaol of another Borough, if sufficient.

CXV. And be it enacted, That in every Case in which it shall have been made to appear to the Satisfaction of One of His Majesty's Principal Secretaries of State that there is in any Borough a Gaol or House of Correction fit for the Confinement of Prisoners, the Council of any Borough shall have the same Powers of contracting, in the Name of the Body Corporate whose Council they are, with any Person or Body Corporate having the Govern-

ment or ordering of such last-mentioned Gaol or House of Correction, in like Manner as is herein-before enacted concerning Contracts with Justices of the Peace having Authority or Jurisdiction in and over County Gaols and Houses of Correction; and all the Provisions of the last-recited Act made in the Fifth Year of His late Majesty shall extend, or as nearly as may be, to all such Contracts for the Conveyance to and Support and Maintenance of Offenders in such Borough Gaol or House of Correction; and in case His Majesty shall have granted to the Borough in which such Gaol or House of Correction shall be situated a separate Court of Quarter Sessions of the Peace, such Offenders may be tried and sentenced by such Court for all Offences of which the Court has Cognizance, and punished accordingly; and all the Provisions of the last-recited Act made in the Fifth Year of His late Majesty shall extend as nearly as may be to the Trial and Punishment of such Offenders, and to all Acts necessary for such Trial or consequent thereon.

CXVI. ' And whereas by an Act passed in the Fourth Year of His late Majesty *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, it was provided, that certain Cities, Towns, and Places included in a certain Schedule (A.) to the said Act annexed should be taken to be within the Provisions of the same: And whereas by an Act passed in the Fifth Year of His late Majesty *George* the Fourth, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*, so much of the last-recited Act as related to the Cities of *Canterbury*, *Lichfield*, and *Lincoln* was repealed; be it therefore enacted, That the Council of every Borough named in the last-mentioned Schedule (A.) (except the Cities of *Canterbury*, *Lichfield*, and *Lincoln*) shall have within their Borough all the Powers (except in hearing and determining Appeals against Convictions) which any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England* have within the Limits of their Commission by virtue of the said last-recited Acts or either of them, or as near thereto as the Nature of the Case will admit; and all Things in the said last-recited Acts or either of them provided to be done at any General or Quarter Sessions of the Peace shall be done at some quarterly Meeting of the Council of such Borough.

CXVII. And be it enacted, That the Treasurer of every County in *England* and *Wales* shall keep an Account of all Sums of Money received in aid or on account of the County Rate, and of the Sum of Money expended out of the County Rate for other Purposes than the Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport of Offenders committed for Trial in such County, and in the Case of Boroughs having a separate Court of Quarter Sessions of the Peace other than out of Coroners Inquests, and shall, not more than Twice in every Year, send a Copy of the said Account to the

Council of certain Boroughs to have the same Powers under the Acts 4 G. 4. c. 64. and 5 G. 4. c. 85. as Justices of the Peace have at their Sessions in Counties.

Boroughs to pay a Proportion of the other County Expenditure.

2 &amp; 3 W. 4. c. 64.

the Council of every Borough situate within such County in which a separate Court of Quarter Sessions of the Peace shall be holden, and which before the passing of the said Act, intituled *An Act to settle and describe the Divisions 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*, was chargeable with or liable to contribute in whole or in part to the County Rate of such County, and shall make an Order on the Council of every such Borough for the Payment of such Proportion of such Sum as would have been chargeable, after deducting all Sums of Money received in aid of the County Rate as aforesaid, if this Act had not passed, upon such Borough as the same shall be bounded according to the Provisions of this Act; and the Council of such Borough shall forthwith order the same, with all reasonable Charges of making and sending the said Account, to be paid to the Treasurer of such County out of the Borough Fund; provided that in case any Difference shall arise concerning the last-mentioned Account it shall be decided by the Arbitration of a Barrister to be named as is provided in the Case of Differences with respect to the Payment of Monies under Contracts made by Authority of the said Act made in the Fifth Year of His late Majesty King *George the Fourth*, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*.

5 G. 4. c. 85.

Borough Courts of Record to be holden as heretofore, but in certain Cases with extended Jurisdiction.

CXVIII. And be it enacted, That in every Borough in which by Charter or Custom there is or ought to be holden a Court of Record for the Trial of Civil Actions not regulated by the Provisions of any Local Act of Parliament, or in which, at the Time of the passing of this Act, a Barrister of Five Years standing shall not act as Judge or Assessor, the Recorder, or in the Absence of the Recorder, or in case there shall not be a Recorder, such Officer of the Borough as by the Charter constituting such Court or by Custom shall be the Judge of such Court, shall continue to be and act as such Judge; and the Council of such Borough in every Case, whether such Court be regulated by the Provisions of a Local Act of Parliament or otherwise, shall have Power for that Purpose to appoint the necessary Officer, other than the Recorder, before whom such Court is to be holden; and every such Judge or Assessor, other than the Mayor, shall hold his Office during his good Behaviour; and the Judge of every such Court shall hold the said Court at such Times and Places, and with such Rules of Practice, and with the same Powers and Jurisdiction as belonged to the said Court at the Time of passing this Act: Provided always, that in every Case in which such Court had not before the passing of this Act Authority to try such Actions as are herein-after next mentioned any such Court in which a Barrister of Five Years standing shall act as Judge or Assessor shall have Authority to try Actions of Assumpsit, Covenant, and Debt, whether the Debt be by Specialty or on Simple Contract, and all Actions of Trespass or Trover for taking Goods and Chattels, provided the Sum or Damages sought to be recovered shall not exceed Twenty Pounds, and all Actions of Ejectment

Ejectment between Landlord and Tenant wherein the annual Rent of the Premises of which Possession is sought to be recovered shall not exceed Twenty Pounds, and upon which no Fine shall have been reserved or made payable: Provided also, that every such Judge respectively from Time to Time may make Rules for regulating the Practice of such Court over which he presides, but so that no such Rules shall be of force until they shall have been allowed and confirmed by Three or more Judges of the Superior Courts of Common Law at *Westminster*: Provided also, that the Jurisdiction of every Court of Record for the Trial of Civil Actions within any Borough shall be extended so far as the Metes and Bounds of every such Borough as the same shall be and be declared under the Provisions of this Act: Provided also, that no Action shall be tried by any such Judge, wherein the Title to Land, whether Freehold, Copyhold, or Leasehold, or other Tenure whatsoever, or to any Tithe, Toll, Market, Fair, or other Franchise shall be in question in any Court which before the passing of this Act had not Authority to try Actions in which such Titles as last aforesaid were in question; and in case it shall appear in the Course of any Action in such Court as last aforesaid, or shall be made to appear upon Oath to such Court as last aforesaid, that any such Title as last aforesaid is in question in such Action, that then the Jurisdiction of such Court as last aforesaid in the Matter of such Action shall cease, and it shall be in the Discretion of the Court to award Costs against the Party commencing the same.

Proviso.

CXIX. And be it enacted, That the Council of every Borough in which there shall be holden a Court of Record for the Trial of Civil Actions as aforesaid shall appoint a Registrar of such Court, except in Boroughs where the Town Clerk acts as such Registrar, and such other Officers and Servants as are necessary for carrying on the Business and executing the Process of such Court; provided that no Registrar or other Officer of such Court shall, by himself or any Partner, or by his or their Clerks, practise as an Attorney in such Court, nor shall any such Partner or Clerk act as Agent for any other Attorney in such Court: Provided also, that, unless disqualified as herein provided, every Attorney of His Majesty's Superior Courts at *Westminster* shall have full Liberty to practise as an Attorney in every such Court.

Council to appoint Registrar and other necessary Officers of the Court.

CXX. And be it enacted, That no Suit commenced in any Court of Record in any Borough before the First Day of *May* One thousand eight hundred and thirty-six shall abate by reason of any Change that shall have been made in the Constitution of such Court by the Provisions of this Act, but that the same may continue and be heard and determined as if it had been commenced before such Judge.

Existing Suits not to abate by Change of Jurisdiction.

CXXI. And be it enacted, That every Person, being a Burgess of any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, (unless he shall be exempt or disqualified otherwise than in respect of Property from serving on Juries by virtue of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*;) shall be qualified and liable

Who to be Jurors.

6 G. 4. c. 50.

to

to serve on Grand Juries in such Borough, and also upon Juries for the Trial of all Issues joined in any Court of Quarter Sessions of the Peace, and in any Court of Record for the Trial of Civil Actions triable within the Borough of which such Person shall be a Burgess; and the Clerk of the Peace of every such Borough shall give public Notice of the Time and Place of holding every such Quarter Sessions of the Peace, Ten Days at the least before the holding thereof, and shall, Seven Days at the least before the holding thereof, cause to be summoned a sufficient Number of Persons, being qualified and liable as aforesaid, to serve as Grand Jurors at such Sessions; and the Clerk of the Peace and Registrar of the Court of Record respectively shall also cause to be summoned not less than Thirty-six nor more than Sixty Persons so qualified and liable as aforesaid to serve as Jurors at every such Sessions, and at the holding of every such Court of Record for the Trial of Causes in case there shall be any Cause then to be tried; and such Summons shall be made by showing to the Person to be summoned, or in case he shall be absent from the usual Place of his Abode by leaving with some Person therein inhabiting, Notice under the Hand of such Clerk of the Peace or Registrar respectively containing the Substance of such Summons; and such Clerk of the Peace shall make out a List of the Names of such Persons so summoned as Grand Jurors, and the Clerk of the Peace and Registrar respectively shall also make out a Panel of such Persons so summoned other than Grand Jurors, and such List and Panel shall respectively contain therein the Christian Names and Surnames, Places of Abode, and Descriptions of the several Persons therein named; and if any Person, having been duly summoned to attend on any Jury, shall not attend in pursuance of such Summons, or, being thrice called, shall not answer to his Name, or after his Appearance wilfully withdraw himself from the Presence of the Court, the Court shall impose such Fine upon every Person so making Default (unless some reasonable Excuse shall be proved to the Satisfaction of the Court) as the Court shall think meet; and if any Person on whom such Fine shall be imposed shall refuse to pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for the Court, then or at its next Sitting, by Order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by Distress and Sale of the Goods of the Person on whom such Fine shall have been imposed, every such Fine, and the reasonable Charges of such Distress and Sale; and every Fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the Account of the Borough Fund herein-before mentioned: Provided nevertheless, that no Person shall be summoned to serve as a Juror at such Sessions or Court of Record oftener than once in One Year.

CXXII. And be it enacted, That after the passing of this Act every Member of the Council for the Time being of every Borough, and every Justice assigned to keep the Peace therein, and the Treasurer and Town Clerk for the Time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively, and exempt from

Summoning of  
Jurors, &c.

Fine on Jurors  
for Non-atten-  
dance.

Members of  
the Council,  
&c. exempt  
from serving on  
Juries; and  
Burgesses of Bo-  
roughs exempt



from serving on any Jury summoned to serve in the County wherein such Borough is situate; and all Burgesses of every Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be exempt from serving on any Jury summoned for the Trial of Issues joined in any Court of General or Quarter Sessions of the Peace in the County wherein such Borough is situate.

CXXIII. And be it enacted, That after the passing of this Act no Person in any Borough shall continue to be exempt from serving on Juries in any of the King's Courts of Record at *Westminster*, or in the Superior Courts, Civil or Criminal, of the Counties Palatine of *Lancaster* and *Durham*, or in any Court of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, or in any other of the King's Courts, by virtue of any Writ, Grant, Charter, Prescription, or otherwise; and so much of an Act made in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors*, as provides that all Persons in any Borough exempt from serving upon Juries in any of the Courts aforesaid, by virtue of any Prescription, Charter, Grant, or Writ, shall continue to have and enjoy such Exemption in as ample a Manner as before the passing of that Act, and shall not be inserted in the Lists thereafter mentioned, shall be and the same is hereby repealed.

CXXIV. And be it enacted, That the Council of every Borough shall and they are hereby required, within Six Calendar Months next after their Election, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Quarter Session of the Peace shall be holden, and in those Boroughs to which a Commission of the Peace shall have been granted, a Table of the Fees to be taken by the Clerk to the Justices, and in those Boroughs in which there shall be a Court of Record, a Table of the Fees to be taken by the Registrar and Officers of such Court; and such Tables of Fees shall be submitted to One of His Majesty's Principal Secretaries of State; and when such Tables of Fees shall be confirmed and allowed by such Secretary of State, either as such Table shall have been submitted to him, or with such Alterations, Additions, or Abatements as he shall think proper, the Fees therein mentioned may thenceforth be lawfully taken by the Person therein named to be entitled thereunto; and it shall be lawful for the Council of such Borough, from Time to Time, as Occasion may require, to make new Tables of Fees to be taken instead of the Fees contained in the Tables which shall have been made as aforesaid, which new Table shall be confirmed and allowed in the Manner herein-before mentioned, otherwise the same shall be of no Validity; and that until Tables of the Fees so to be taken in any such Borough shall have been made and confirmed as aforesaid it shall be lawful for such Clerk of the Peace at the Quarter Sessions for any such Borough, and such Clerk to the Justices, to take the Fees authorized by the Table for the Time being to be taken by the Clerk of the Peace at the Quarter Sessions and Clerk to the Justices respectively for the County within or adjoining to which such Borough is situated,

from Juries of County Quarter Sessions.

All chartered Exemptions from serving on Juries abolished.

6 G. 4. c. 50. in part repealed.

Fees payable to the Clerk of the Peace, Clerk to the Magistrates, and Registrar, and Officers of the Court of Record.

and

and for the Registrar and Officers of such Court of Record to take the Fees usually taken by them before the passing of this Act.

Table of Fees  
to be hung up.

CXXV. And be it enacted, That the Town Clerk of every Borough shall cause a true Copy of the Tables of Fees in force for the Time being to be hung up in a conspicuous Part of the Room in which the Business of his Office is transacted, and also in the Room wherein the Justices of the Peace of such Borough shall sit for transacting their Business, and also in the Room wherein the Court of Quarter Sessions of the Peace for the Borough shall be held, and also in the Court of Record of the said Borough.

Application of  
Penalties.

CXXVI. And be it enacted, That when by any Act any Penalties or Forfeitures are or shall hereafter be made recoverable in a summary Manner before any Justice or Justices of the Peace, and by such Act respectively the same are or shall be limited and made payable to His Majesty, or to any Body Corporate, or to any Person whomsoever, save and except the Informer, who shall sue for the same, or any Party aggrieved, in every such Case the same, if recovered and adjudged before any Justice of any Borough in which a separate Court of Quarter Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the Treasurer of such Borough for the Time being, to the Credit and on account of the Borough Fund of such Borough; and no such Penalty or Forfeiture, or Share of such Penalty or Forfeiture, shall in any Case be recovered by or adjudged to be paid to any other Person than the said Treasurer, unless such Person be the Informer or the Party aggrieved: Provided always, that nothing herein contained shall extend to any Penalties or Forfeitures recovered under any Act relating to the Customs, Excise, and Post Office, or to Trade or Navigation, or any Branch of His Majesty's Revenue.

Limitation of  
Time for Pro-  
secution of  
Offences pu-  
nishable on sum-  
mary Convic-  
tion.

CXXVII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That the Prosecution for every such Offence shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and that where any Person shall be charged on the Oath of a credible Witness with any such Offence before a Justice of the Peace the Justice may summon the Party charged to appear before any Two Justices of the Peace acting in and for the Borough in which such Offence shall have been committed, at a Time and Place to be named in such Summons; and if such Party shall not appear accordingly the Justices of the Peace then and there present (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) may either proceed to hear and determine the Case in the Absence of the Party, or may issue their Warrant for apprehending and bringing such Party before them, as they shall think proper.

Power to sum-  
mon Witnesses.

CXXVIII. And be it enacted, That it shall be lawful for any Justice of the Peace acting in and for any Borough to issue his  
Summons

Summons requiring any Person to appear before any such Justices of the Peace for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his Absence shall be proved before the Justices of the Peace then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such Sum of Money not exceeding Five Pounds as to the convicting Justices shall seem meet; and no Person, although liable to the Rate contributing to the Borough Fund of any Borough, shall be deemed an incompetent Witness in Proof of any Offence against this Act by reason of any Penalty or Forfeiture for such Offence being applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the Rate contributing to the Borough Fund of any Borough.

Penalty for Disobedience of Summons, &c.

No Witness or Justice to be incompetent on the Ground of Rateability.

CXXIX. And be it enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as the said Justices shall think fit; and in case such Sum of Money shall not be paid at the Time so appointed the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, with the reasonable Charges of such Distress; and for Want of sufficient Distress such Offender shall be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any Term not exceeding One Calendar Month where the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due.

Payment of Penalties;

may be levied by Distress;

or Offender imprisoned.

CXXX. And be it enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Words to the like Effect, as the Case may require; (that is to say),

Form of Conviction.

‘ to wit. } **B**E it remembered, That on the  
 ‘ Day of in the Year of our Lord  
 ‘ in the Borough of in the  
 ‘ County of A. O. is convicted before us J.P. and  
 ‘ J.J.P., Two of His Majesty’s Justices of the Peace for the said  
 ‘ County [or Borough, or otherwise, as the Case may be], for that  
 ‘ the said A. O. did [here specify the Offence, and the Time and  
 ‘ Place when and where the same was committed, as the Case may  
 ‘ be]; and we do adjudge that the said A. O. shall for the said  
 ‘ Offence forfeit the Sum of and shall pay the same  
 ‘ immediately [or shall pay the same on or before the  
 ‘ Day of ] to the Treasurer  
 ‘ for the said Borough, to be by him applied according to the  
 5 & 6 GUL. IV. G g Directions

‘ Directions of the Statute in that Case made and provided.  
 ‘ Given under our Hands the Day and Year first above men-  
 ‘ tioned.’

Appeal against  
 Convictions un-  
 der this Act.

CXXXI. And be it enacted, That any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act may appeal to the next Court of General or Quarter Sessions of the Peace to be holden not less than Twelve Days after such Conviction for the County or for the Borough 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 a sufficient Surety, before a Justice of the Peace, within such Three Days, or at any Time during his Custody, on giving to the Complainant Three Days Notice in Writing of his Intention so to do, and of the Name, Description, and Place of Abode of his proposed Surety, 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 Recognizance entered into the Justice before whom the same shall be entered into shall liberate such Person if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal or the Affirmance of the Conviction shall order and adjudge the Offender to be dealt with and 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,  
 &c.

CXXXII. And be it enacted, That no Conviction, Order, Warrant, or other Matter made or purporting to be made by virtue of this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of His Majesty's Courts of Record at *Westminster*; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided that it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same; and where any Distress shall be made for levying any Money by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage, if any, in an Action upon the Case.

As to Informa-  
 lity in War-  
 rants, &c.

Venue in Pro-  
 ceedings against  
 Persons acting  
 under this Act.

CXXXIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within

Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases.

Notice of Action.

General Issue.

Tender of Amends, &c.

CXXXIV. And be it enacted, That the Courts of Quarter Sessions of the Peace of the Towns and Ports of *Hastings*, *Sandwich*, *Dovor*, and *Hythe*, and of the ancient Town of *Rye*, or of such of the said Towns and Ports and ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall have Jurisdiction over Offences and Matters committed, arising, and happening as well within the Boundaries of such Towns and Ports and ancient Town respectively as within the ancient Members and Liberties not being Corporate of the same respectively, and also within the Towns named in the Schedule to this Act which are ancient Corporate Members and Liberties of the said Towns and Ports and ancient Town respectively, and to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace; and also any or either of the said Towns and Ports of *Hastings*, *Sandwich*, *Dovor*, and *Hythe*, and ancient Town of *Rye*, to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and their or its Members and Liberties, shall for all Purposes relating to the Jurisdiction of Courts of Quarter Sessions of the Peace be respectively within the Jurisdiction of the Courts of Quarter Sessions of the Peace of the nearest other of the said Towns and Ports or ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace; and the Recorders, Clerks of the Peace, and Coroners of the said Towns and Ports and ancient Town respectively, or of such of them to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace respectively, shall and may have and exercise the same Jurisdiction Powers, and Authorities within all Places within or subject to the Jurisdiction of such Courts respectively, as within the said ancient Towns and Ports and ancient Town respectively of which they are or may be appointed Recorders, Clerks of the Peace, or Coroners.

Jurisdiction of the Cinque Ports preserved.

CXXXV. And be it enacted, That the Justices of the Peace of the Towns and Ports of *Hastings*, *Sandwich*, *Dovor*, and *Hythe*, and of the ancient Town of *Rye*, or of such of the said Towns and Ports and ancient Town as shall have Justices of the Peace assigned to them by virtue of this Act, shall and may have and

Jurisdiction of the Cinque Ports further preserved.

exercise the same Jurisdiction, Powers, and Authorities over Offences and Matters committed, arising, and happening within the ancient Members and Liberties not being Corporate of such Towns and Ports and ancient Town respectively, as such Justices shall and may have and exercise within the Towns and Ports and ancient Town for which they are or may be respectively Justices of the Peace; and also His Majesty's Justices of the Peace, acting under the Authority of a Commission or Commissions, issued by virtue of an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George the Third*, intituled *An Act to facilitate the Execution of Justice within the Cinque Ports*, shall and may have and exercise all the Jurisdiction, Powers, and Authorities given to such Justices by such Act of Parliament, as well within the Members and Liberties not being Corporate of the said Towns and Ports and ancient Town respectively as within the said Towns named in the Schedules to this Act being Corporate Members and Liberties thereof, or any of them, or any of the said Towns and Ports and ancient Town which shall not have Justices of the Peace assigned to them by virtue of this Act: Provided always, that nothing herein contained shall affect the Liability of all Inhabitant Householders within any of the Members and Liberties of the *Cinque Ports* and ancient Towns thereof, not being Corporate, to serve on Juries at Quarter Sessions as heretofore.

51 G. 3. c. 36.

Proviso as to  
Juries in the  
Cinque Ports.

Act not to affect  
Letters Patent  
founding a  
Grammar  
School at Louth.

CXXXVI. Provided always, and be it enacted, That nothing contained in this Act shall alter or affect certain Letters Patent bearing Date in the Fifth Year of the Reign of His Majesty King *Edward the Sixth*, founding a Free Grammar School at *Louth*, in the County of *Lincoln*, and creating a Body Corporate for the Management and Regulation thereof, and for the Benefit of Twelve poor Persons mentioned in the said Letters Patent, by the Name of the "Warden and Six Assistants of the Town of *Louth* and Free School of King *Edward the Sixth* in *Louth*;" but that the said Warden and Assistants shall continue and be a Body Corporate with perpetual Succession under the Provisions of the said Letters Patent, for the Management and Regulation of the said School and the Purposes aforesaid only, and shall remain and be seised of and entitled to all Lands, Tolls, Tenements, and Hereditaments now vested in them for the Purposes therein mentioned, in the same Manner to all Intents and Purposes as if this Act had not been passed.

Saving of the  
Rights of the  
Universities of  
Oxford and  
Cambridge.

CXXXVII. And be it enacted, That nothing in this Act contained shall be construed to alter or affect the Rights or Privileges, Duties or Liabilities, of the Chancellor, Masters and Scholars of the Universities of *Oxford* or *Cambridge* respectively, as by Law possessed under the respective Charters of the said Universities or otherwise, or to entitle any Person to be enrolled a Citizen of the City of *Oxford* or Burgess of the Borough of *Cambridge*, by reason of his Occupation of any Rooms, Chambers, or Premises in any of the Colleges or Halls of the Universities of *Oxford* or *Cambridge*, or either of them, or to compel any resident Member of either of the said Universities to accept any Office in or under the Body Corporate of the Mayor and Citizens of the City of *Oxford*, or of the Mayor and Burgesses of the Bo-  
rough

rough of *Cambridge*, or to authorize the Levy of any Rate within the Precincts of the said Universities, or of any of the Colleges or Halls of the same which now by Law cannot be levied therein.

CXXXVIII. And be it enacted, That all the Jurisdictions and Authorities now exercised in and over the Precinct or Close of any Cathedral shall be continued, as if this Act had not been passed, concurrently with the Jurisdiction and Authority of the Justices of the Peace of the Borough within which such Close is situated; and that nothing herein contained shall affect or interfere with the Rights and Privileges granted by Charter or Act of Parliament to the University of *Durham*.

Not to affect Jurisdiction over Precincts of Cathedrals, &c.

CXXXIX. And be it enacted, That in every Case in which any Body Corporate, or any particular Class, Number, or Description of Members, or the governing Body of any Body Corporate, now is or are in their Corporate Capacity, and not as charitable Trustees, according to the Meaning and Provisions of this Act, seised or possessed of any Manors, Lands, Tenements, or Hereditaments whereunto any Advowson or Right of Nomination or Presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any Advowson in gross, or hath or have any Right or Title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson and every such Right of Nomination and Presentation shall be sold at such Time and in such Manner as the Commissioners appointed by His Majesty to consider the State of the Established Church in *England* and *Wales* with reference to Ecclesiastical Duties and Revenues may direct, so that the best Price may be obtained for the same; and it shall be lawful for the Council of such Body Corporate, and they are hereby authorized and required, with the Consent of the said Commissioners or any Three or more of them, in Writing under their Hands, to convey and assure under the Common Seal of such Body Corporate such Advowson or such Right of Nomination or Presentation as aforesaid to the Purchaser or Purchasers thereof respectively, his or their Heirs, Executors, Administrators, and Assigns, or to such Uses as he or they shall direct; and the Proceeds of every such Sale shall be paid to the Treasurer of the Borough, whose Receipt shall be a sufficient and effectual Discharge to the Purchaser or Purchasers to whom the same shall be given for the Amount of his or their Purchase Money, and shall be by him invested in Government Securities for the Use of the Body Corporate, and the annual Interest payable thereon shall be carried to the Account of the Borough Fund: Provided always, that in any Case of Vacancy arising before any such Sale shall have taken place and been completed, such Vacancy shall be supplied by the Presentation or Nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated.

In Cases where Bodies Corporate are seised in their Corporate Capacity of Advowsons, &c. the same may be sold as Ecclesiastical Commissioners may direct.

Vacancy arising before Sale to be supplied by Bishop of the Diocese.

CXL. And whereas it may happen that the several Provisions of this Act cannot be carried into effect within the several Periods in the present Year herein-before specified and limited in that Behalf; be it therefore enacted, That it shall be lawful for His Majesty, if He shall think fit, by the Advice of His Privy Council, to order any Days and Times before the First

Periods connected with first Registration and Election may be deferred by Order in Council.

Day of *February* next for doing the several Matters required or authorized by this Act to be done in lieu of the several Days and Times for the present Year herein-before specified, or any of them; and in such Case all Matters mentioned in such Order shall be done on and within such Days and Times as shall be mentioned respectively in that Behalf in such Order, as if the Days and Times mentioned in such Order had in every Instance been mentioned in this Act instead of the Days and Times herein-before respectively mentioned in that Behalf, and not otherwise: Provided always, that nothing herein contained shall authorize His Majesty to appoint any Days or Times other than are herein-before specified for any Matters required or authorized by this Act to be done after the Expiration of this present Year: Provided also, that no Person shall be entitled to be enrolled in the Burgess Roll of any Borough in this present Year unless he would have been entitled on the last Day of *August* in this Year to have his Name included in some Overseers List, if such List had been made out on the Fifth Day of *September* in this Year.

The King empowered to grant Charters of Incorporation.

CXLI. And whereas sundry Towns and Boroughs of *England* and *Wales* are not Towns Corporate, and it is expedient that several of them should be incorporated; be it enacted, That if the inhabitant Householders of any Town or Borough in *England* and *Wales* shall petition His Majesty to grant to them a Charter of Incorporation, it shall be lawful for His Majesty, by any such Charter, if He shall think fit, by Advice of His Privy Council, to grant the same, to extend to the Inhabitants of any such Town or Borough within the District to be set forth in such Charter the Powers and Provisions in this Act contained: Provided nevertheless, that Notice of every such Petition, and of the Time when it shall please His Majesty to order that the same be taken into consideration by His Privy Council, shall be published by Royal Proclamation in the *London Gazette* One Month at least before such Petition shall be so considered.

Interpretation Clause.

CXLII. And be it enacted, That in the Construction of this Act the Word "Borough" shall be construed to mean City, Borough, Port, Cinque Port, or Town Corporate, named in One of the said Schedules (A.) and (B.); and the Words "Body Corporate" shall be construed to mean Body Corporate named in One of the said Schedules (A.) and (B.); and the Word "Burgess" shall be construed to mean Citizen in the Case of a City; and the Word "County" shall be construed to mean County, Riding, Parts, Liberty, or Division; and the Word "Trustees" shall be construed to mean Trustees, Commissioners, or Directors, or the Persons charged with the Execution of a Trust or public Duty, by whatever Name they are designated; and the Word "Parish" shall be construed to mean Parish, Township, Vill, Hamlet, Chapelry, Tithing, District, Precinct, or Place maintaining its own Poor; and the Words "Overseers of the Poor" shall be construed to mean all Persons who execute the Duties of Overseers of the Poor; and that in all Things herein-before provided to be done, until the First Election of Councillors in any Borough under this Act shall have been declared, the Word "Mayor" shall be construed to mean the Chief Officer of a Borough, by whatever Name he is now called; and in describing



describing any Person or Thing, any Word importing the Singular Number shall be construed to mean also several Persons or Things respectively, unless there be something in the Subject or Context repugnant to such Construction; and that no Misnomer or inaccurate Description of any Person, Body Corporate, or Place named in any Schedule to this Act annexed, or in any Roll, List, Notice, or Voting Paper required by this Act, shall hinder the full Operation of this Act with respect to such Person, Body Corporate, or Place, provided that the Description of such Person, Body Corporate, or Place be such as to be commonly understood.

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

## SCHEDULES to which this Act refers.

### SCHEDULE (A.)

#### ENGLAND AND WALES.

BOROUGHs which are to have a COMMISSION of the Peace.

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Aberystwith -	0	4	12	Mayor and Burgesses of the Town, Borough, and Liberty of Aberystwith.
Abingdon -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Abingdon.
Barnstaple -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough and Parish of Barnstaple in the County of Devon.
Bath - -	7	14	42	Mayor, Aldermen, and Citizens of the City of Bath.
Bedford -	2	6	18	Mayor, Bailiffs, and Burgesses of the Town of Bedford.
Berwick-upon-Tweed.	3	6	18	Mayor, Bailiffs, and Burgesses of the Borough of Berwick-upon-Tweed.
Bridgewater	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Bridgewater.
Bridport -	2	6	18	Bailiffs and Burgesses of the Borough of Bridport.
Bristol -	10	16	48	Mayor, Burgesses, and Commonalty of the City of Bristol.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Bury St. Ed- mond's.	3	6	18	Alderman and Burgesses of Bury St. Edmunds in the County of Suffolk.
Cambridge -	5	10	30	Mayor, Bailiffs, and Burgesses of the Borough of Cambridge.
Canterbury -	3	6	18	Mayor and Commonalty of the City of Canterbury.
Cardiff -	2	6	18	Bailiffs, Aldermen, and Burgesses of the Town of Cardiff.
Carlisle -	5	10	30	Mayor, Aldermen, Bailiffs, and Citizens of the City of Carlisle.
Carmarthen -	3	6	18	Mayor, Burgesses, and Commonalty of the Borough of Carmarthen.
Carnarvon -	2	6	18	Mayor, Bailiffs, and Burgesses of the Town and Borough of Caernarvon.
Chester -	5	10	30	Mayor and Citizens of the City of Chester.
Chichester -	2	6	18	Mayor, Aldermen, and Citizens of the City of Chichester.
Colchester -	3	6	18	Mayor and Commonalty of the Borough of Colchester.
Dartmouth -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Clifton Dartmouth Hardness in the County of Devon.
Denbigh -	0	4	12	Aldermen, Bailiffs, and Burgesses of the Borough of Denbigh.
Derby -	6	12	36	Mayor, Aldermen, and Burgesses of the Borough of Derby.
Devizes -	2	6	18	Mayor and Burgesses of the Borough of Devizes.
Dorchester -	0	4	12	Mayor, Bailiffs, Aldermen, and Burgesses of the Borough of Dorchester in the County of Dorset.
Dovor -	3	6	18	Mayor, Jurats, and Commonalty of the Town and Port of Dovor.
Durham -	3	6	18	Mayor, Aldermen, and Commonalty of the City of Durham and Framwelgate.
Evesham -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Evesham.
Gateshead -	3	6	18	Boroughholders and Freemen of the Borough of Gateshead.
Gloucester -	3	6	18	Mayor and Burgesses of the City of Gloucester in the County of the City of Gloucester.
Guildford -	0	4	12	Mayor and Burgesses of the Town of Guldeford in the County of Surrey.
Harwich -	0	4	12	Mayor and Burgesses of the Borough of Harwich.
Haverford- west.	0	4	12	Mayor, Sheriffs, Bailiffs, and Burgesses of the County of the Town of Haverfordwest, or of the Town and County of the Town of Haverfordwest.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Hereford -	3	6	18	Mayor, Aldermen, and Citizens of the City of Hereford.
Hertford -	0	4	12	Mayor, Aldermen, and Commonalty of the Borough of Hertford.
Ipswich -	5	10	30	Bailiffs, Burgesses, and Commonalty of the Town or Borough of Ipswich.
Kendal -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Kirby-in-Kendal in the County of Westmorland.
Kidderminster	3	6	18	High Bailiff and Commonalty of the Borough of Kidderminster in the County of Worcester.
Kingston-upon-Hull.	7	14	42	Mayor and Burgesses of the Town or Borough of Kingston-upon-Hull.
King's Lynn	3	6	18	Mayor and Burgesses of the Borough of Lynn Regis.
Leeds -	12	16	48	Mayor, Aldermen, and Burgesses of the Borough of Leeds in the County of York.
Leicester -	7	14	42	Mayor, Bailiff, and Burgesses of the Borough of Leicester.
Leominster -	0	4	12	Bailiffs and Burgesses of the Borough of Leominster.
Lichfield -	2	6	18	Bailiff and Citizens of the City of Lichfield.
Liverpool -	16	16	48	Mayor, Bailiffs, and Burgesses of the Borough of Liverpool.
Macclesfield	6	12	36	Mayor, Aldermen, and Burgesses of the Borough of Macclesfield.
Monmouth -	0	4	12	Mayor, Bailiffs, and Commonalty of the Town and Borough of Monmouth.
Neath -	0	4	12	Portreeve, Aldermen, and Burgesses of the Borough of Neath.
Newark -	3	6	18	Mayor and Aldermen of the Borough of Newark in the County of Nottingham.
Newcastle-under-Lyne.	2	6	18	Mayor, Bailiffs, and Burgesses of Newcastle-under-Lyne in the County of Stafford.
Newcastle-upon-Tyne.	7	14	42	Mayor and Burgesses of the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne.
Newport, Monmouth.	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Newport.
Newport (Isle of Wight).	2	6	18	Mayor, Aldermen, and Chief Burgesses of the Borough of Newport in the Isle of Wight in the County of Southampton.
Northampton	3	6	18	Mayor, Bailiffs, and Burgesses of Northampton.
Norwich -	8	16	48	Mayor, Sheriffs, Citizens, and Commonalty of the City of Norwich.
Nottingham -	7	14	42	Mayor and Burgesses of the Town of Nottingham.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Oxford -	5	10	30	Mayor, Bailiffs, and Commonalty of the City of Oxford in the County of Oxford.
Pembroke -	2	6	18	Mayor, Bailiffs, and Burgesses of the Town and Borough of Pembroke.
Poole -	2	6	18	Mayor, Bailiffs, Burgesses, and Commonalty of the Town of Poole.
Portsmouth -	7	14	42	Mayor, Aldermen, and Burgesses of the Borough of Portsmouth in the County of Southampton.
Preston -	6	12	36	Mayor, Bailiffs, and Burgesses of the Borough of Preston in the County Palatine of Lancaster.
Reading -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Reading in the County of Berks.
Ripon -	0	4	12	Mayor, Burgesses, and Commonalty of the Borough of Ripon in the County of York.
Rochester -	3	6	18	Mayor and Citizens of the City of Rochester in the County of Kent.
St. Albans -	0	4	12	Mayor and Aldermen and Burgesses of the Borough of Saint Albans in the County of Hertford.
Sarum, New	3	6	18	Mayor and Commonalty of the City of New Sarum in the County of Wilts.
Scarborough	2	6	18	Bailiffs and Burgesses of the Town of Scarborough.
Shrewsbury -	5	10	30	Mayor, Aldermen, and Burgesses of the Town of Shrewsbury in the County of Salop.
Southampton	5	10	30	Mayor, Bailiffs, and Burgesses of the Town of Southampton.
Stafford -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Stafford.
Stamford -	2	6	18	Mayor, Aldermen, and Capital Burgesses of the Town or Borough of Stamford in the County of Lincoln.
Stockport -	7	14	42	Mayor, Aldermen, and Burgesses of the Borough of Stockport.
Sudbury -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Sudbury.
Sunderland -	7	14	42	Mayor, Aldermen, and Commonalty of the Borough of Sunderland.
Swansea -	3	6	18	Portreeve, Aldermen, and Burgesses of the Borough of Swansea.
Tiverton -	3	6	18	Mayor and Burgesses of the Town and Parish of Tiverton in the County of Devon.
Truro -	2	6	18	Mayor, Aldermen, and Capital Burgesses of the Borough of Truro.
Warwick -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Warwick.
Wells -	0	4	12	Mayor, Masters, and Burgesses of the City or Borough of Wells in the County of Somerset.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Weymouth and Melcombe Regis.	2	6	18	Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset.
Wigan -	5	10	30	Mayor, Aldermen, and Burgesses of the Borough of Wigan.
Winchester -	3	6	18	Mayor, Bailiffs, and Commonalty of the City of Winchester.
Windsor -	2	6	18	Mayor, Bailiffs, and Burgesses of the Borough of New Windsor in the County of Berks.
Worcester -	6	12	36	Mayor, Aldermen, and Citizens of the City of Worcester.
Yarmouth, Great.	6	12	36	Mayor, Aldermen, Burgesses, and Commonalty of the Borough of Great Yarmouth in the County of Norfolk.

## SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Andevor -	0	4	12	Bailiff, approved Men, and Burgesses of the Borough of Andevor.
Banbury -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Banbury in the County of Oxford.
Beverley -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Beverley in the County of York.
Bewdley -	0	4	12	Bailiffs, Burgesses, and Inhabitants of the Town and Borough of Bewdley.
Bideford -	0	4	12	Mayor, Aldermen, and Capital Burgesses of the Borough, Town, and Manor of Bideford in the County of Devon.
Boston -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Boston.
Brecon -	0	4	12	Bailiff, Aldermen, and Burgesses of the Borough of Brecon.
Bridgenorth	0	4	12	Bailiffs, Aldermen, and Burgesses of the Borough of Bridgenorth.
Clitheroe -	0	4	12	Bailiffs and Burgesses of the Borough of Clitheroe in the County of Lancaster.
Chesterfield -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Chesterfield.
Congleton -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Congleton in the County of Chester.
Coventry -	6	12	36	Mayor, Bailiffs, and Commonalty of the City of Coventry.
Deal - -	2	6	18	Mayor, Jurats, and Commonalty of the Town of Deal in the County of Kent.
Doncaster -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Doncaster in the County of York.
Exeter -	6	12	36	Mayor, Bailiffs, and Commonalty of the City of Exeter.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Falmouth -	0	4	12	Mayor, Aldermen, and Burgesses of the Town of Falmouth in the County of Cornwall.
Grantham -	0	4	12	Aldermen and Burgesses of the Town or Borough of Grantham.
Gravesend -	2	6	18	Mayor, Jurats, and Inhabitants of the Villages and Parishes of Gravesend and Melton in the County of Kent.
Grimsby -	0	4	12	Mayor and Burgesses of the Town of Grimsby in the County of Lincoln.
Hastings -	3	6	18	Mayors, Jurats, and Commonalty of the Town and Port of Hastings in the County of Sussex.
Kingston-upon-Thames.	3	6	18	Bailiffs and Freemen of the Borough of Kingston-upon-Thames.
Lancaster -	3	6	18	Mayor, Bailiffs, and Commonalty of the Town of Lancaster in the County Palatine of Lancaster.
Lincoln -	3	6	18	Mayor, Sheriffs, Citizens, and Commonalty of the City of Lincoln.
Liskeard -	0	4	12	Mayor and Burgesses of the Borough of Liskerret otherwise Liskeard in the County of Cornwall.
Louth -	2	6	18	Warden and Six Assistants of the Town of Louth and Free School of King Edward the Sixth in Louth.
Ludlow -	0	4	12	Bailiffs, Burgesses, and Commonalty of the Town and Borough of Ludlow.
Maidstone -	3	6	18	Mayor, Jurats, and Commonalty of the King's Town and Parish of Maidstone in the County of Kent.
Maldon -	0	4	12	Mayor, Aldermen, and Capital Burgesses and Commonalty of Maldon.
Newbury -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Newbury.
Oswestry -	2	6	18	Mayor, Aldermen, Common Councilmen, and Burgesses of Oswestry.
Penzance -	2	6	18	Mayor, Aldermen, and Commonalty of the Town of Penzance in the County of Cornwall.
Plymouth -	6	12	36	Mayor and Commonalty of the Borough of Plymouth.
Pontefract -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough or Town of Poutefract.
Richmond -	0	4	12	Mayor and Aldermen of the Borough of Richmond in the County of York.
Romsey -	0	4	12	Mayor, Aldermen, and Burgesses of the Town of Romsey Infra in the County of Southampton.
St. Ives -	0	4	12	Mayor and Burgesses of the Borough of St. Ives.
Saffron Walden.	0	4	12	Mayor and Aldermen of the Town of Saffron Walden in the County of Essex.
Stockton -	2	6	18	Mayor, Aldermen, Burgesses, and Commonalty of the Borough of Stockton.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Tewkesbury	0	4	12	Bailiffs, Burgesses, and Commonalty of the Borough of Tewkesbury in the County of Gloucester.
Walsall -	3	6	18	Mayor and Commonalty of the Borough and Foreign of Walsall in the County of Stafford.
Welchpool -	0	4	12	Bailiffs and Burgesses of the Borough of Poole in the County of Montgomery.
Wenlock -	3	6	18	Burgesses of the Borough of Wenlock.
Wisbech -	2	6	18	Burgesses of the Borough of Wisbech.
York -	6	12	36	Mayor and Commonalty of the City of York.

### SCHEDULE (B.)

#### ENGLAND AND WALES.

BOROUGHES which are not to have a COMMISSION of the PEACE, unless on Petition and Grant.

SECTION I.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Arundel -	0	4	12	Mayor and Burgesses of the Borough of Arundel.
Beaumaris -	0	4	12	Mayor, Bailiff, and Burgesses of the Borough of Beaumaris.
Cardigan -	0	4	12	Mayor, Common Council, and Burgesses of the Town and Borough of Cardigan.
Llanidloes -	0	4	12	Mayor and Burgesses of the Borough of Llanidloes.
Pwllheli -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Pwllheli.
Ruthin -	0	4	12	Aldermen and Burgesses of the Borough of Ruthin.
Tenby -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Tenby.
Thetford -	0	4	12	Mayor and Burgesses of the Borough of Thetford.
Totnes -	0	4	12	Mayor and Burgesses of the Borough of Totnes in the County of Devon.

## SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Basingstoke	0	4	12	Mayor, Aldermen, and Burgesses of the Town of Basingstoke in the County of Southampton.
Beccles -	0	4	12	Portreeve, Surveyors, and Commonalty of the Fen of Beccles in the County of Suffolk.
Blandford Forum.	0	4	12	Bailiff and Burgesses of the Borough of Blandford Forum in the County of Dorset.
Bodmin -	0	4	12	Mayor and Burgesses of the Borough of Bodmin in the County of Cornwall.
Buckingham	0	4	12	Bailiff and Burgesses of the Borough and Parish of Buckingham in the County of Buckingham.
Calne -	0	4	12	Guild Stewards and Burgesses in the Borough of Calne.
Chard -	0	4	12	Portreeve and Burgesses of the Borough of Chard in the County of Somerset.
Chippenham	0	4	12	Bailiffs and Burgesses of the Borough of Chippenham in the County of Wilts.
Chipping Norton.	0	4	12	Bailiffs and Burgesses of the Borough of Chipping Norton in the County of Oxford.
Daventry -	0	4	12	Bailiffs, Burgesses, and Commonalty of the Borough of Daventry in the County of Northampton.
Droitwich -	0	4	12	Bailiffs and Burgesses of the Borough of Wych otherwise Droitwich in the County of Worcester.
Eye - -	0	4	12	Bailiff, Burgesses, and Commonalty of the Town and Burgh of Eye.
Faversham -	0	4	12	Mayor, Jurats, and Commonalty of the Town of Faversham.
Folkestone -	0	4	12	Mayor, Jurats, and Commonalty of the Town of Folkestone.
Flint - -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Flint.
Glastonbury	0	4	12	Mayor and Burgesses of the Town of Glastonbury in the County of Somerset.
Godalming -	0	4	12	Warden and Inhabitants of the Town of Godalming.
Godmanchester.	0	4	12	Bailiffs, Assistants, and Commonalty of the Borough of Cirencester alias Godmanchester.
Helstone -	0	4	12	Mayor and Commonalty of the Borough of Helston.
Huntingdon	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Huntingdon.
Hythe -	0	4	12	Mayor, Jurats, and Commonalty of the Town and Port of Hythe in the County of Kent.
Launceston -	0	4	12	Mayor and Commonalty of the Borough of Dunneheved otherwise Launceston.



Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Llandovery -	0	4	12	Bailiff and Burgesses of the Borough of Llanymtheverye.
Lyme Regis	0	4	12	Mayor and Burgesses of the Borough of Lyme in the County of Dorset.
Lymington -	0	4	12	Mayor and Burgesses of the Borough of Lymington.
Maidenhead	0	4	12	Mayor, Bridgemasters, and Burgesses of the Town of Maydenheth.
Marlborough	0	4	12	Mayor and Burgesses of the Borough and Town of Marlborough in the County of Wilts.
Morpeth -	0	4	12	Bailiffs and Burgesses of the Borough of Morpeth in the County of Northumberland.
Penryn -	0	4	12	Mayor and Burgesses of Penryn in the County of Cornwall.
Retford, East	0	4	12	Bailiffs and Burgesses of East Retford in the County of Nottingham.
Rye - -	0	4	12	Mayor, Jurats, and Commonalty of the ancient Town of Rye.
Sandwich -	0	4	12	Mayor, Jurats, and Commonalty of the Town and Port of Sandwich in the County of Kent.
Shaftesbury -	0	4	12	Mayor and Burgesses of the Borough of Shafton otherwise Shaftesbury in the County of Dorset.
South Wold -	0	4	12	Bailiffs, Aldermen, and Burgesses of the Borough of South Wold.
South Molton	0	4	12	Mayor and Burgesses of the Borough and Parish of South Molton in the County of Devon.
Stratford-on-Avon.	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Stratford-upon-Avon.
Tamworth -	0	4	12	Bailiffs and Commonalty of the Borough of Tamworth.
Tenterden -	0	4	12	Mayor, Jurats, and Commons of the Town and Hundred of Tenterden in the County of Kent.
Torrington -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough and Town of Great Torrington in the County of Devon.
Wallingford	0	4	12	Mayor, Burgesses, and Commonalty of the Borough of Wallingford.
Wycombe, Chepping.	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Chipping Wycombe (otherwise Wicombe) in the County of Buckingham.

## SCHEDULE (C.)

Berwick-upon-Tweed.	Northumberland.
Bristol.	Gloucestershire.
Chester.	Cheshire.
Exeter.	Devonshire.
Kingston-upon-Hull.	Yorkshire.
Newcastle-upon-Tyne.	Northumberland.

## SCHEDULE (D.)

## No. 1.

THE LIST OF BURGESSES of the Borough of \_\_\_\_\_ in the Parish [or Township] of \_\_\_\_\_

Christian Name and Surname of each Person at full Length.	Nature of the Property rated.	Street, Lane, or other Place in this Parish [or Township] where the Property is situated for which he is now rated.
Ashton, John - - -	Shop -	No. 23, Church Street.
Bates, Thomas - -	House -	- - - - Brook's Farm.

(Signed) *A.B.* } Overseers of the said Parish  
*C.D.* } [or Township].

## No. 2.

## NOTICE OF CLAIM.

To the Town Clerk of the Borough of \_\_\_\_\_

I HEREBY give you Notice, That I claim to have my Name inserted in the Burgess List of the Borough of \_\_\_\_\_ that I occupy [here describe the House, Warehouse, Counting-house, or Shop then occupied by the Claimant] in the Borough, and that I have been rated in the Parish of \_\_\_\_\_ [here state the Parish or several Parishes, and the Time during which the Claimant has been rated in each of them within the Borough, necessary for his Qualification.]

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_  
 (Signed) John Allen of [Place of Abode].

## No. 3.

## NOTICE OF OBJECTION.

To the Town Clerk of the Borough of \_\_\_\_\_ [or to the Person objected to, as the Case may be].

I HEREBY give you Notice, That I object to the Name of Thomas Bates of Brook's Farm in the Parish of \_\_\_\_\_ [describe the Person objected to as described in the Burgess List] being retained on the Burgess List of the Borough of \_\_\_\_\_

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_  
 (Signed) John Ashton of [here state the Place of Abode and Property for which he is said to be rated in the Burgess List].

## No. 4.

## LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted on the Burgess List of the Borough of

Christian Name and Surname of each Claimant.	Nature of the Property for which he is now rated.	Situation of the Property for which he is now rated.	Parish [or Parishes] in which he has been rated, as stated in the Claim.
Allen, John - -	House -	No. 17, High Street.	Rated in the last Year in Saint Mary's Parish in the Borough, and in the Two preceding Years in Saint James's Parish in the Borough.

(Signed) *A. B. Town Clerk.*

## No. 5.

## LIST OF PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have their Names retained on the Burgess List of the Borough of

Christian Name and Surname of each Person objected to.	Nature of the Property for which he is now rated.	Situation of the Property for which he is said to be now rated in the Overseer's List.	Parish in which is the Property for which he is now said to be rated in the Overseer's List.
Bates, Thomas -	House -	Brook's Farm -	Saint James'.

(Signed) *A. B. Town Clerk.*

## SCHEDULE (E.)

## ABINGDON :

An Act for better paving, lighting, watching, and otherwise improving the Town of Abingdon in the County of Berks, for removing Nuisances, Annoyances, and Encroachments therein, and for preventing the same in future. [6 Geo. 4. c. 189.]

## ARUNDEL :

An Act for the better paving, cleansing, and lighting the Streets, Lanes, Ways, and Passages within the Borough of Arundel in the County of Sussex, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [25 Geo. 3. c. 90.]

## BANBURY :

An Act for paving, cleansing, lighting, watching, and otherwise improving the several Streets, Lanes, public Passages and Places in the Borough of Banbury in the County of Oxford. [5 Geo. 4. c. 130.]

**BARNSTAPLE:**

An Act for paving, improving, and regulating the Streets and public Places in the Borough and Parish of Barnstaple, and for better Regulation of the present Markets, and providing others therein.

[51 Geo. 3. c. 154.]

**BASINGSTOKE:**

An Act for paving the Footways and Crosspaths, and lighting, watching, cleansing, widening, and otherwise improving the Streets, Lanes, and other public Passages and Places in the Town of Basingstoke in the County of Southampton.

[55 Geo. 3. c. 7.]

**BATH:**

An Act for paving, cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and public Places within such Part of the Parish of Walcot in the County of Somerset as is not within the Circuit, Precinct, and Jurisdiction of the City of Bath in the same County; and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein; and for licensing and regulating Hackney Coaches, Chairs, Porters, Basket Men, and Basket Women within the said City of Bath, and a certain Distance thereof.

[33 Geo. 3. c. 89.]

An Act for paving, steaming, cleansing, watering, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and public Places within the Parish of Bathwick in the County of Somerset, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein.

[41 Geo. 3. c. 126.]

An Act for better paving, cleansing, lighting, watching, regulating, and improving the City of Bath, and the Liberties and Precincts thereof.

[54 Geo. 3. c. 105.]

An Act to amend an Act of His late Majesty, for paving, cleansing, lighting, watching, and regulating the Streets and public Places within such Part of the Parish of Walcot in the County of Somerset as is not within the City of Bath.

[6 Geo. 4. c. 74.]

**BECCLES:**

An Act for paving, lighting, cleansing, and otherwise improving the Streets and other public Passages and Places within the Town of Beccles in the County of Suffolk.

[36 Geo. 3. c. 51.]

**BEDFORD:**

An Act for the Improvement of the Town of Bedford in the County of Bedford, and for rebuilding the Bridge over the River Ouze in the said Town.

[43 Geo. 3. c. 128.]

An Act for amending and enlarging the Powers of an Act of His present Majesty, intituled "An Act for the Improvement of the Town of Bedford in the County of Bedford, and for rebuilding the Bridge over the River Ouze in the said Town."

[50 Geo. 3. c. 82.]

**BERWICK-UPON-TWEED:**

An Act for lighting the Streets and Lanes of the Borough of Berwick-upon-Tweed, and the Quays and Wharfs belonging to the said Borough, and that Part of the Bridge over the River Tweed which lies within the Liberties of the said Borough, and also the Street of Castlegate within the said Borough or the Liberties thereof; and for paving the Footpaths of the Streets of the said Borough and of Castlegate aforesaid; and for preventing Obstructions, Nuisances, and Annoyances therein.

[40 Geo. 3. c. 25.]

**BEVERLEY :**

An Act for lighting, watching, and regulating the Streets and Lanes and other public Passages and Places in the Town of Beverley in the County of York. [48 Geo. 3. c. 87.]

An Act to amend and enlarge the Powers of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, for lighting, watching, and regulating the Streets, Lanes, and other public Passages and Places within the Town of Beverley in the County of York. [6 Geo. 4. c. 138.]

**BOSTON :**

An Act for lighting and watching the Streets, Lanes, and other public Passages and Places within the Borough of Boston in the County of Lincoln, and for removing and preventing Nuisances, Annoyances, and Obstructions therein. [16 Geo. 3. c. 25.]

An Act for the better paving, cleansing, and otherwise improving the Borough of Boston in the County of Lincoln. [32 Geo. 3. c. 80.]

An Act for amending and rendering more effectual an Act passed in the Thirty-second Year of His present Majesty, for better paving, cleansing, and otherwise improving the Borough of Boston in the County of Lincoln. [46 Geo. 3. c. 40.]

An Act for amending and rendering more effectual an Act passed in the Sixteenth Year of His present Majesty, for lighting and watching the Streets, Lanes, and other public Passages and Places within the Borough of Boston in the County of Lincoln, and for removing and preventing Nuisances therein. [46 Geo. 3. c. 41.]

**BRECKNOCK :**

An Act for supplying the Borough and Town of Brecknock, and Liberties thereof, with Water; and for paving, cleansing, regulating, and lighting the Streets, Lanes, and public Passages there; and for widening and making commodious some of the said Streets, Lanes, and Passages. [16 Geo. 3. c. 56.]

**BRIDGEWATER :**

An Act to enlarge the Market House and regulating the Markets within the Borough of Bridgewater in the County of Somerset; for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the said Borough, or adjacent thereto; and for the Improvement thereof. [7 Geo. 4. c. 7.]

**BRIDPORT :**

An Act for taking down the Market House in the Borough of Bridport in the County of Dorset, and rebuilding the same, together with a Session or Court House, in a more convenient Situation; for removing the Shambles or Butchers Row; for paving, cleansing, lighting, and watching the said Borough; for removing and preventing Nuisances and Annoyances; and for prohibiting the covering of any new Houses or Buildings within the Borough with Thatch. [25 Geo. 3.]

**BRISTOL :**

An Act for the better preserving the Navigation of the Rivers Avon and Frome, and for cleansing, paving, and lighting the Streets of the City of Bristol. [11 Will. 3. c. 23.]

An Act for making more effectual an Act passed in the Eleventh and Twelfth Years of the Reign of King William the Third, for the better preserving the Navigation of the Rivers Avon and Frome, and for cleansing, paving, and enlightening the Streets of the City of Bristol, so far as the same Act relates to the paving and enlightening of the said

**BRISTOL—continued.**

Streets; and for the regulating Hackney Coachmen, Halliers, Draymen, and Carters, and the Markets and Sellers of Hay and Straw, within the said City and Liberties thereof. [22 Geo. 2.]

An Act for establishing, maintaining, and well-governing a Nightly Watch, within the City of Bristol. [28 Geo. 2. c. 32.]

An Act to explain and render more effectual an Act made in the last Session of Parliament, intituled "An Act for establishing, maintaining, and well-governing a Nightly Watch within the City of Bristol." [29 Geo. 2. c. 47.]

An Act for widening several Streets, Lanes, Ways, and Passages within the City of Bristol, and for opening several new Streets and Passages within the same; and for explaining, amending, and enlarging the Powers of the several Acts passed for paving, cleansing, lighting, watching, and regulating the Streets and other Places within the said City and Liberties thereof. [6 Geo. 3. c. 34.]

An Act for removing and preventing Encroachments, Obstructions, Annoyances, and other Nuisances within the City of Bristol and the Liberties thereof; and for licensing and better regulating Hackney Coaches, Chairs, Waggon, Carts, and other Carriages, and the Owners, Drivers, and Carriers thereof respectively, and Porters and other Persons, within and for certain Distances round the said City and Liberties; and for better regulating the Shipping and Trade, and the Rivers, Wharfs, Backs, and Quays, and the Markets, within the same City and Liberties; and for other Purposes. [23 Geo. 3. c. 65.]

An Act for amending, altering, and enlarging the Powers of several Acts passed for paving, pitching, cleansing, and lighting the Streets and other Places within the City of Bristol and Liberties thereof. [46 Geo. 3. c. 26.]

An Act for the Employment, Maintenance, and Regulation of the Poor of the City of Bristol, and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing, and lighting the same City; and for the Relief of the Churchwardens and Overseers from the collecting of such Rates; and for amending the Act for paving, pitching, cleansing, and lighting the said City. [3 Geo. 4. c. 24.]

An Act for repairing, lighting, and watching the District of the United Parishes of Saint James and Saint Paul in the County of Gloucester, and for the Care of the Poor thereof. [2 Geo. 4. c. 89.]

An Act for lighting and watching the Parish of Clifton in the County of Gloucester. [5 Geo. 4. c. 79.]

**BURY SAINT EDMUND'S:**

An Act for better paving, lighting, cleansing, watching, and otherwise improving the Town of Bury Saint Edmund's in the County of Suffolk. [51 Geo. 3. c. 9.]

An Act to amend, extend, and render more effectual an Act of His late Majesty, for paving, lighting, cleansing, watching, and otherwise improving the Town of Bury Saint Edmund's in the County of Suffolk. [1 Geo. 4.]

**CAMBRIDGE:**

An Act for better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within the said Town. [28 Geo. 3. c. 64.]

**CAMBRIDGE**—*continued.*

An Act to amend and enlarge the Powers of an Act passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled “ An Act for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within the said Town.”

[34 Geo. 3. c. 104.]

**CANTERBURY :**

An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Walls of the City of Canterbury and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City ; and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein.

[27 Geo. 3. c. 31.]

**CARDIFF :**

An Act for better paving, cleansing, and lighting the Streets, Lanes, and public Passages in the Town of Cardiff and Liberties thereof, in the County of Glamorgan, and for removing and preventing Nuisances and Annoyances therein.

[Geo. 3. c. 7.]

**CARLISLE :**

An Act for lighting the Streets, Lanes, and other public Passages and Places within the City of Carlisle in the County of Cumberland, and the Suburbs of the said City ; for paving the Footpaths of the Streets of the said City and Suburbs ; and for otherwise improving the said City.

[44 Geo. 3. c. 58.]

An Act for watching, regulating, and improving the City of Carlisle and the Suburbs thereof.

[7 & 8 Geo. 4. c. 86.]

**CHESTER :**

An Act for better regulating the Poor, maintaining a Nightly Watch, lighting, paving, and cleansing the Streets, Rows, and Passages, providing Fire Engines and Firemen, and regulating the Hackney Coachmen, Chairmen, Carmen, and Porters, within the City of Chester.

[2 Geo. 3.]

An Act to amend, alter, and enlarge the Powers of an Act passed in the Second Year of the Reign of His present Majesty, so far as the same relates to maintaining a Nightly Watch, and lighting and cleansing the Streets, Rows, and Passages, within the City of Chester, and for preventing Nuisances and Annoyances in the Streets, Rows, and Passages within the said City, and for regulating and improving the Police thereof.

[43 Geo. 3. c. 47.]

**CHICHESTER :**

An Act for repealing an Act made in the Eighteenth Year of the Reign of Queen Elizabeth, intituled “ An Act for paving of the City of Chichester ;” and for the better paving, repairing, and cleansing the Streets, Lanes, and public Ways and Passages within the Walls of the said City, and for removing and preventing Incroachments, Obstructions, and Annoyances therein.

[31 Geo. 3. c. 63.]

An Act for better lighting and for watching the City of Chichester and Places adjacent.

[1 & 2 Geo. 4. c. 68.]

**CHEPPING WYCOMBE :**

An Act for paving, widening, cleansing, watching, lighting, and regulating the Streets and other public Places within the Borough of Chepping Wycombe in the County of Bucks, and for removing and preventing Nuisances and Obstructions therein.

[53 Geo. 3. c. 164.]

**CHIPPENHAM :**

An Act for lighting, watching, cleansing, paving, and otherwise improving the Town of Chippenham in the County of Wilts. [4 Will. 4. c. 47.]

**COVENTRY :**

An Act for the better paving, cleansing, lighting, and watching the City of Coventry and the Suburbs thereof, and removing and preventing Nuisances and Annoyances therein; and for regulating the public Wells and Pumps within the said City and Suburbs. [30 Geo. 3. c. 77.]

**DARTMOUTH :**

An Act for building a Market House in the Borough of Clifton Dartmouth Hardness in the County of Devon, and for better paving, lighting, widening, and improving the Streets and other public Places within the said Borough. [55 Geo. 3. c. 28.]

**DAVENTRY :**

An Act for paving, cleansing, lighting, and watching the Town of Daventry in the County of Northampton, and for regulating the Market there, and for enabling the Bailiff, Burgesses, and Commonalty of the Borough of Daventry to purchase the Moot-Hall, and to rebuild the same. [46 Geo. 3. c. 118.]

**DEAL :**

An Act for more effectually paving, cleansing, lighting, and watching the Highways, Streets, and Lanes within the Town and Borough of Deal in the County of Kent, and for removing and preventing Encroachments, Nuisances, and Annoyances therein. [52 Geo. 3. c. 73.]

**DERBY :**

An Act for paving, cleansing, lighting, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Borough of Derby, and for selling a certain Piece of Waste Ground situate within the said Borough, called Nun's Green, towards defraying the Expence of the said Improvements. [32 Geo. 3. c. 78.]

An Act for better paving and otherwise improving the Borough of Derby. [6 Geo. 4. c. 132.]

**DEVIZES :**

An Act for amending, regulating, cleansing, lighting, watching, and keeping in repair the Streets, Lanes, and Passages within the Borough of The Devizes in the County of Wilts, and for preventing Nuisances, Annoyances, and Obstructions therein. [21 Geo. 3. c. 36.]

An Act for paving, lighting, cleansing, watching, and improving the Borough of Devizes in the County of Wilts, and for removing and preventing Nuisances and Annoyances therein. [6 Geo. 4. c. 162.]

**DONCASTER :**

An Act for repealing so much of an Act passed in the Fourth Year of the Reign of His present Majesty as relates to the lighting the Streets and Places within the Borough and Soke of Doncaster in the County of York; and for more effectually lighting, watching, and otherwise improving the said Borough, and for preventing Nuisances therein. [43 Geo. 3. c. 147.]

**DORCHESTER :**

An Act for better cleansing, lighting, and watching the Streets, Lanes, and other public Passages within the Borough of Dorchester in the County of Dorset, and in the Tithing of Colliton-row in the Town of Dorchester aforesaid; for paving the Footways and repairing certain Horseways of such Parts thereof as are Turnpike, and for paving the Footways and repairing the Horseways of such Parts thereof as are not Turnpike; for



**DORCHESTER—continued.**

removing Nuisances, Annoyances, and Obstructions therein ; and for preventing Houses or Buildings hereafter to be erected in the said Borough and Tithing from being thatched. [16 Geo. 3. c. 27.]

An Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the Streets and other public Passages and Places within the Borough of Dorchester in the County of Dorset, and the Tithing of Colliton-row in the Town of Dorchester aforesaid.

[4 Will. 4. 22 May.]

**DOVER :**

An Act for better paving, cleansing, lighting, and watching the Streets and Lanes in the Town of Dover in the County of Kent, and in the several Parishes of Saint Mary the Virgin and Saint James the Apostle in the said Town and County ; and for removing and preventing Nuisances and Annoyances therein. [18 Geo. 3. c. 76.]

An Act to amend an Act made in the Eighteenth Year of His present Majesty, for paving, cleansing, lighting, and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein.

[50 Geo. 3. c. 26.]

An Act to amend Two Acts of His late Majesty, for paving, cleansing, lighting, and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein. [11 Geo. 4. c. 117.]

**DURHAM :**

An Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and public Passages and Places within the City of Durham and Borough of Framwelgate, and the Suburbs thereof, and the Streets thereto adjoining ; for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein ; for widening and rendering more commodious several of the said Streets, Lanes, Ways, and public Passages and Places, and for regulating and improving the Markets, within the said City and Suburbs.

[30 Geo. 3. c. 67.]

**EVESHAM :**

An Act for paving, cleansing, lighting, watching, regulating, and improving the Borough of Evesham in the County of Worcester ; for repairing, improving, and maintaining the Bridge over the River Avon within the said Borough ; and for selling certain Waste Lands within the said Borough, and for appropriating the Monies arising from such Sales towards the Purposes therein mentioned. [3 Geo. 4. c. 67.]

**EXETER :**

An Act for enlightening the Streets within the City of Exeter and Suburbs thereof. [1 Geo. 3.]

An Act for better repairing the Streets, Lanes, and Passages within the City of Exeter and County of the said City ; and for amending an Act passed in the First Year of His present Majesty, intituled " An Act for enlightening the Streets within the City of Exeter and Suburbs thereof ;" and for the better regulating of the Watch within the said City and County, and for otherwise improving the same. [46 Geo. 3. c. 39.]

An Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the Streets, Ways, and other public Passages and Places in the City and County of the City of Exeter.

[50 Geo. 3. c. 146.]

An Act for better paving, lighting, watching, cleansing, and otherwise improving the City of Exeter and County of the same City.

[2 & 3 Will. 4. c. 106.]

**FAVERSHAM :**

An Act for the better paving, repairing, cleansing, lighting, and watching the Highways, Streets, Lanes, and other public Passages and Places within the Town and Liberty of Faversham in the County of Kent, and also certain Places near or adjoining thereto; and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein. [29 Geo. 3. c. 69.]

**FOLKESTONE :**

An Act for paving, repairing, and cleansing the Highways, Streets, and Lanes in the Town of Folkestone, and Liberty thereof, in the County of Kent, and for removing and preventing Nuisances and Annoyances therein. [36 Geo. 3. c. 49.]

**GATESHEAD :**

An Act for cleansing, lighting, and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead in the County of Durham. [54 Geo. 3. c. 109.]

**GLASTONBURY :**

An Act for paving and improving the Streets and other public Passages and Places in the Parishes of Saint John the Baptist and Saint Benedict in the Town of Glastonbury in the County of Somerset. [51 Geo. 3. c. 173.]

**GLOUCESTER :**

An Act for the more effectual Relief and Employment of the Poor within the City of Gloucester, and for lighting the Streets of the said City. [4 Geo. 3. c. .]

An Act for rebuilding the Bridge over the River Severn at Maisemore, near the City of Gloucester; for raising, widening, and securing Over's Causeway leading from the said City towards Maisemore aforesaid; and for enforcing the proper paving and cleansing of the several Streets within the said City, and for removing Nuisances and Annoyances therefrom, and preventing the like in future. [17 Geo. 3. c. 68.]

An Act for erecting a new Gaol, and for removing certain Gateways, in the City of Gloucester, and for amending the several Acts passed for the Maintenance and Support of the Poor of the said City, and for lighting, paving, and regulating the Streets there. [21 Geo. 3. c. 74.]

An Act for establishing a proper Place for holding Markets and Fairs for the Sale of Live Stock in the City of Gloucester and the Suburbs thereof, and for opening convenient Avenues thereto, and for watching and otherwise improving the said City. [1 & 2 Geo. 4. c. 22.]

An Act to provide for lighting the Suburbs of the City of Gloucester with Gas. [4 Will. 4. c. 44.]

**GODALMING :**

An Act for paving, lighting, watching, and otherwise improving the Town of Godalming in the County of Surry. [6 Geo. 4. c. 177.]

**GRAVESEND :**

An Act for paving, cleansing, and lighting the High Street, East Street, and West Street in the Town and Parishes of Gravesend and Milton, in the County of Kent, and for lighting the other Streets; and for removing all Incroachments and Annoyances within the said Town and Parishes. [13 Geo. 3. c. 15.]

An Act for altering and enlarging the Powers of an Act of the Thirteenth Year of His present Majesty, for improving the Town and Parishes of Gravesend and Milton in the County of Kent; and for the better Assessment and Collection of the Poor Rates and other Rates within the Parish of Gravesend. [56 Geo. 3. c. 77.]

**GRAVESEND—continued.**

An Act for paving, cleansing, lighting, watching, and improving the Town and Parishes of Gravesend and Milton in the County of Kent, and for removing and preventing Nuisances and Annoyances therein.

[3 Geo. 4. c. 51.]

**GUILDFORD:**

An Act establishing, regulating, and maintaining a Nightly Watch, and for enlightening the open Places and Streets, within the Town of Guildford in the County of Surrey.

[32 Geo. 2.]

An Act for paving, cleansing, and otherwise improving the Town of Guildford in the County of Surrey.

[52 Geo. 3. c. 51.]

**HARWICH:**

An Act for paving, cleansing, lighting, and watching the Town of Harwich in the County of Essex, and supplying the same with Water.

[59 Geo. 3. c. 118.]

**HASTINGS:**

An Act for better paving, lighting, watching, and otherwise improving the Town of Saint Leonard in the County of Sussex.

[2 Will. 4. c. 45.]

An Act for paving, lighting, watching, cleansing, and improving the Town and Port of Hastings in the County of Sussex, and for establishing and regulating Markets therein, and supplying the Inhabitants thereof with Water, and for other Purposes.

[2 Will. 4. c. 91.]

**HEREFORD:**

An Act for paving, repairing, cleansing, and lighting the Streets and Lanes in the City of Hereford and Suburbs thereof, and removing Nuisances and Annoyances therein, and for creating a Fund towards the Expences thereof by inclosing divers Waste Grounds within the Liberties of the said City; and for the better Application of Charity Money; for setting the poor People of the said City to work; and to enable Bodies Corporate to alienate their Houses and Lands within the said City.

[14 Geo. 3. c. 38.]

An Act to enlarge, amend, and render more effectual the Provisions of an Act of His present Majesty, for paving and lighting the City of Hereford, and removing Nuisances therein; and for enabling the Corporation of the said City to sell and apply the Produce of certain Messuages and Lands in establishing Market Places and otherwise improving the said City.

[56 Geo. 3. c. 23.]

**HERTFORD:**

An Act for paving the Footways, and cleansing, lighting, and watching the Streets and other public Passages and Places, within the Borough of Hertford, and removing and preventing Obstructions, Nuisances, and Annoyances therein.

[28 Geo. 3. c. 75.]

An Act to amend and extend the Provisions of an Act for paving and improving the Streets and other public Passages and Places within the Borough of Hertford.

[9 Geo. 4. c. 38.]

**HUNTINGDON:**

An Act for paving, cleansing, and lighting the High Street and other Places within the Town of Huntingdon, and for removing and preventing Nuisances and Annoyances therein.

[25 Geo. 3. c. 9.]

**HYTHE:**

An Act for paving, repairing, cleansing, lighting, and watching the Highways, Streets, and Lanes in the Town and Port of Hythe and Liberty thereof in the County of Kent, and for removing and preventing Nuisances and Annoyances therein.

[38 Geo. 3. c. 16.]

## IPSWICH:

- An Act for the payvng of the Towne of Ipswiche. [13 Eliz. c. 24.]
- An Act for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [33 Geo. 3. c. 92.]
- An Act for amending and rendering more effectual an Act passed in the Thirty-third Year of the Reign of His present Majesty, for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [37 Geo. 3. c. 44.]
- An Act for amending and enlarging the Powers of Two Acts of His present Majesty, for paving, lighting, cleansing, and improving the Town of Ipswich in the County of Suffolk, and removing and preventing Encroachments, Obstructions, and Annoyances therein; and for watching the said Town. [55 Geo. 3. c. 26.]
- An Act to alter and amend several Acts of His late Majesty's Reign, for paving, lighting, and otherwise improving the Town of Ipswich in the County of Suffolk. [1 & 2 G. 4. c. 104.]

## KINGSTON-UPON-HULL:

- An Act for explaining, amending, and making more effectual several Acts of Parliament relating to the Maintenance and Employment of the Poor of the Town of Kingstone-upon-Hull; and for better paving, preserving, and cleansing the Streets, Squares, Lanes, and Alleys in the said Town and preventing Obstructions therein; and for preserving the Lamps which shall be set up to enlighten the Streets of the said Town, and securing the Property of such Lamps to the Owners. [28 Geo. 2. c. 27.]
- An Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingstone-upon-Hull, and for preventing Annoyances therein. [2 Geo. 3.]
- An Act for amending and supplying the Deficiencies of an Act passed in the Second Year of the Reign of His present Majesty King George the Third, intituled "An Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingstone-upon-Hull, and for preventing Annoyances therein." [4 Geo. 3.]
- An Act for building a new Gaol for the Town and County of the Town of Kingstone-upon-Hull, and for purchasing an additional Burial Ground for the Use of the Parish of the Holy Trinity in the said Town; for regulating the Affairs of Hackney Coachmen, Chairmen, and Porters, and the Prices of Carriage of Goods; for altering the Time of lighting Lamps; for ascertaining the Breadth of Party Walls, and for preventing certain Nuisances, within the said Town, Liberties, and Precincts thereof; for amending an Act of the Fourteenth Year of the Reign of His present Majesty, for making and establishing public Quays or Wharfs at Kingstone-upon-Hull, in respect to such as are or may be built opposite to certain Staiths in the said Act described, and for other Purposes. [23 G. 3. c. 55.]
- An Act for paving, cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, and other public Passages and Places within the Parish of Sealcotes in the East Riding of York, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for licensing and regulating Hackney Coaches, Chairs, Porters, Coal

**KINGSTON-UPON-HULL—continued.**

Carriers and Water Carriers, Trucks, Carts, and other Carriages, within the said Parish. [41 Geo. 3. c. 30.]

An Act for watching and more effectually lighting, cleansing, and otherwise improving the Town of Kingstone-upon-Hull, and the Liberty of Trippett and the Lordship of Mytton in the Parish of the Holy Trinity in the said Town, and for preventing Nuisances therein; and also for preventing Frauds and Impositions in the Quality, Measure, and Carriage of Coals sold in the said Town and the Neighbourhood thereof.

[50 Geo. 3. c. 41.]

**KIDDERMINSTER :**

An Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other public Passages and Places in Kidderminster, in the County of Worcester. [53 Geo. 3. c. 83.]

**KINGSTON-UPON-THAMES :**

An Act for the better lighting and watching the Town of Kingstone-upon-Thames in the County of Surrey, and for removing and preventing all Obstructions, Encroachments, and Nuisances therein.

[13 Geo. 3. c. 61.]

**KING'S LYNN :**

An Act for paving, cleansing, lighting, and watching and improving the Borough of King's Lynn in the County of Norfolk, and for removing Nuisances and Annoyances therein; and for holding the Saturday and Beast Markets within more convenient Parts of the said Borough.

[43 Geo. 3. c. 37.]

**LANCASTER :**

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Borough and Town of Lancaster in the County Palatine of Lancaster. [5 Geo. 4. c. 66.]

**LEEDS :**

An Act for better supplying the Town and Neighbourhood of Leeds in the County of York with Water; and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein. [30 Geo. 3. c. 68.]

An Act to amend and enlarge the Powers of an Act passed in the Thirtieth Year of His present Majesty, for better supplying the Town and Neighbourhood of Leeds in the County of York with Water, and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and for removing and preventing Nuisances and Annoyances therein; and for erecting a Court House and Prison for the Borough of Leeds; and for widening and improving the Streets and Passages in the said Town. [49 Geo. 3. c. 122.]

An Act to amend and enlarge the Powers and Provisions of an Act of His present Majesty, for erecting a Court House and Prison for the Borough of Leeds in the County of York and other Purposes; to provide for the Expence of the Prosecution of Felons in certain Cases; and to establish a Police and Nightly Watch in the Town, Borough, and Neighbourhood of Leeds aforesaid. [55 Geo. 3. c. 42.]

An Act for lighting, cleansing, and improving the Town and Neighbourhood of Leeds in the County of York. [5 Geo. 4. c. 124.]

**LEOMINSTER :**

An Act for inclosing Lands in the Borough of Leominster in the County of Hereford, and in the Township of Luston in the Parish of Eye, in

**LEOMINSTER—continued.**

the said County; and for paving and otherwise improving the Streets and other public Places within the Town of Leominster in the said County. [48 Geo. 3. c. 148.]

**LICHFIELD:**

An Act for paving, cleansing, lighting, watching, and regulating Streets, Lanes, and other public Passages and Places within the City of Lichfield and the Suburbs thereof. [46 Geo. 3. c. 42.]

**LINCOLN:**

An Act for paving, lighting, watching, and improving the City of Lincoln and the Bail and Close of Lincoln, and for regulating the Police thereof. [9 Geo. 4. c. 27.]

**LIVERPOOL:**

An Act for the building a Church in the Town of Liverpool in the County Palatine of Lancaster, and for enlightening and cleansing the Streets of the said Town, and for keeping and maintaining a Nightly Watch there. [21 Geo. 2. c. 24.]

An Act for opening, making, widening, and altering certain Streets, Passages, and Places within the Town of Liverpool in the County Palatine of Lancaster; for supplying the said Town with fresh and wholesome Water; for removing and preventing Nuisances and Annoyances therein; for appointing additional Market Places; and for extending so much of the Powers of an Act of the Second Year of His present Majesty as relates to Hackney Coachmen, Chairmen, Carters, and Porters, to a certain Distance beyond the Liberties of the said Town. [26 Geo. 3. c. 12.]

An Act for enlarging and varying some of the Powers contained in certain Acts of Parliament relating to the lighting, watching, and cleansing the Streets and other Places within the Town of Liverpool, and for removing and preventing Nuisances and Annoyances therein. [28 Geo. 3. c. 13.]

An Act for the reviving, extending, and varying the Powers of an Act passed in the Twenty-Sixth Year of His late Majesty King George the Third, for making and widening certain Streets, Passages, and Places in the Town of Liverpool in the County Palatine of Lancaster, and for several other Purposes in the said Act mentioned; and also for further improving the said Town. [1 Geo. 4. c. 13.]

An Act for widening and improving certain Streets in the Town of Liverpool in the County Palatine of Lancaster; for the further Prevention of Nuisances and Annoyances in the said Town; for the Regulation of Weighing Machines, Weights, and Measures; and the Establishment of a Fire Police therein. [7 Geo. 4. c. 57.]

An Act for the better Pavage and Sewerage of the Town of Liverpool in the County Palatine of Lancaster; and for settling the Boundaries of the said Town and the Township of Kirkdale, and Parts of the Townships of Everton and West Derby. [11 Geo. 4. c. 15.]

**LOUTH:**

An Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the Town and Parish of Louth in the County of Lincoln. [6 Geo. 4. c. 129.]

**LUDLOW:**

An Act for paving the Footpaths within the Borough of Ludlow in the County of Salop, and for lighting, watching, and otherwise improving the said Borough. [33 Geo. 3. c. 25.]

**MACCLESFIELD :**

An Act for lighting, watching, and regulating the Police within the Borough of Macclesfield in the County of Chester. [54 Geo. 3. c. 23.]

An Act for better lighting, watching, and improving the Borough and Township of Macclesfield in the County of Chester, and regulating the Police thereof. [6 Geo. 4. c. 96.]

An Act for better supplying the Inhabitants of the Borough of Macclesfield in the County of Chester with Water, and to establish the Rates payable for the same. [11 Geo. 4. c. 124.]

**MAIDSTONE :**

An Act for widening, improving, regulating, paving, cleansing, and lighting the Streets, Lanes, and other public Passages and Places within the King's Town of Maidstone in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone. [31 Geo. 3. c. 62.]

An Act for altering and amending an Act passed in the Thirty-first Year of the Reign of His present Majesty, intituled "An Act for widening, improving, regulating, paving, cleansing, and lighting the Streets, Lanes, and other public Passages and Places within the King's Town of Maidstone in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone;" and for raising a further Sum of Money for completing the Purposes of the said Act. [42 Geo. 3. c. 90.]

An Act to enlarge the Powers of Three Acts of His present Majesty, for paving, cleansing, and lighting the Streets and other public Places within the King's Town of Maidstone in the County of Kent, and better supplying the Inhabitants with Water; and for watching the said Town, and making public Wharfs therein. [59 Geo. 3. c. 16.]

**MONMOUTH :**

An Act for paving the Footways, and cleansing, lighting, and watching the Streets, in the Town of Monmouth. [58 Geo. 3. c. 81.]

**NEWARK :**

An Act for the better paving, lighting, and cleansing of the Streets, Lanes, and other public Passages and Places in the Town of Newark-upon-Trent in the County of Nottingham, and for removing the Market for Butcher's Meat in the said Town, and for regulating the said Market; and for repealing an Act made in the Twenty-seventh Year of the Reign of Her late Majesty Queen Elizabeth, intituled "An Acte for the paving of Newarke-upon-Trent in the Countie of Nottingham." [38 Geo. 3. c. 26.]

**NEWBURY :**

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Borough, Town, and Parish of Newbury and the Tithing or Hamlet of Speenhamland in the Parish of Speen in the County of Berks. [6 Geo. 4. c. 72.]

**NEWCASTLE-UNDER-LYME :**

An Act for paving, lighting, watching, cleansing, regulating, and improving the Borough of Newcastle-under-Lyme. [59 Geo. 3. c. 71.]

**NEWCASTLE-UPON-TYNE :**

An Act for lighting the Streets and other Places, and maintaining a regular and nightly Watch, within the Town and County of the Town of Newcastle-upon-Tyne; and for regulating the Hackney Coachmen and Chairmen, Cartmen, Porters, and Watermen within the same. [3 Geo. 3.]

**NEWCASTLE-UPON-TYNE—continued.**

An Act for widening, enlarging, and cleansing the Streets, Lanes, and other public Places, and for opening new Streets, Markets, and Passages, within the Town of Newcastle-upon-Tyne and the Liberties thereof, and for removing and preventing Annoyances therein; and for regulating the public Markets, and Common Stage Waggons, Drays, and Carts carrying Goods for Hire. [26 Geo. 3. c. 39.]

An Act for lighting and watching the Streets and other Places without the Walls but within the Liberties of Newcastle-upon-Tyne.

[52 Geo. 3. c. 76.]

**NEWPORT (Isle of Wight:)**

An Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the Borough of Newport in the Isle of Wight; and for the Removal of present and the Prevention of future Incroachments, Nuisances, and Annoyances therein.

[26 Geo. 3. c. 119.]

**NEWPORT (Monmouth:)**

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Town and Borough of Newport in the County of Monmouth.

[7 Geo. 4. c. 6.]

**NORTHAMPTON:**

An Act for paving, cleansing, lighting, and watching the Town of Northampton, and for removing and preventing Incroachments, Obstructions, and Annoyances therein.

[18 Geo. 3. c. 79.]

An Act for altering and amending an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled "An Act for paving, cleansing, lighting, and watching the Town of Northampton, and for removing and preventing Incroachments, Obstructions, and Annoyances therein; and for continuing the Term of certain Tolls by the said Act."

[37 Geo. 3. c. 42.]

An Act for better paving, lighting, watching, and improving the Town of Northampton; and for taking down, widening, and rebuilding the Bridge over the Nine or Nen, at the South Entrance of the said Town, and improving the Avenues to the said Bridge.

[54 Geo. 3. c. 193.]

**NORWICH:**

An Act for better paving, lighting, cleansing, watching, and otherwise improving the City of Norwich.

[46 Geo 3. c. 67.]

An Act for amending and enlarging an Act of His late Majesty, for better paving, lighting, cleansing, and otherwise improving the City of Norwich.

[6 Geo. 4. c. 78.]

**NOTTINGHAM:**

An Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham.

[2 Geo. 3.]

An Act to alter, amend, and enlarge the Powers of an Act of the Second Year of His late Majesty's Reign, intituled "An Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham."

[1 & 2 Geo. 4. c. 70.]

**OSWESTRY:**

An Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other public Passages and Places in the Town and Borough of Oswestry in the County of Salop.

[40 Geo. 3. c. 140.]

**OXFORD:**

An Act for amending certain of the Mileways leading to Oxford; for making a commodious Entrance through the Parish of Saint Clement; for rebuilding or repairing Magdalen Bridge; for making commodious



**OXFORD—continued.**

Roads from the said Bridge through the University and City and the Avenues leading thereto; for cleansing and lighting the Streets, Lanes, and Places within the said University and City and the Suburbs thereof, and the Parish of Saint Clement; for removing Nuisances and Annoyances therefrom, and preventing the like for the future; for empowering Colleges and Corporations to alienate their Estates there; for removing, holding, and regulating Markets within the said City; and for other Purposes. [11 Geo. 3. c. 19.]

An Act to amend and enlarge the Powers of an Act passed in the Eleventh Year of His present Majesty's Reign, for performing several Works and making Improvements within the University and City of Oxford and the Suburbs thereof, and in the adjoining Parish of Saint Clement. [21 Geo. 3. c. 47.]

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Parish of Saint Clement, and for other Purposes. [52 Geo. 3. c. 72.]

An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King George the Third, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Parish of Saint Clement, and for other Purposes in the said Acts mentioned. [5 & 6 W. 4. c. .]

**PEMBROKE:**

An Act for supplying with Water the Town of Pembroke and the Neighbourhood thereof, within the County of Pembroke. [9 Geo. 4. c. 119.]

**PLYMOUTH:**

An Act for improving the Town of Plymouth in the County of Devon. [51 Geo. 3. c. 102.]

An Act for better paving, lighting, cleansing, watching, and improving the Town and Borough of Plymouth in the County of Devon, and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein. [5 Geo. 4. c. 22.]

**PONTEFRACT:**

An Act for paving and otherwise improving the Streets and other public Passages within the Town of Pontefract in the County of York; for better supplying the said Town with Water; and for altering and amending an Act passed in the Twentieth Year of His present Majesty, intituled "An Act for dividing the Park of Pontefract in the County of York, and for other Purposes mentioned therein." [50 Geo. 3. c. 40.]

**PORTSMOUTH:**

An Act for the better paving and cleansing the Streets and other public Passages in the Town of Portsmouth in the County of Southampton, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [8 Geo. 3.]

An Act for lighting and watching the Town of Portsmouth in the County of Southampton; and for explaining and amending an Act passed in the Eighth Year of His present Majesty's Reign, for the better paving and cleansing the Streets and other public Passages in the said Town, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [16 Geo. 3. c. 59.]

An Act for the better paving, cleansing, widening, and regulating the Streets, Courts, Roads, Lanes, Ways, Rows, Alleys, and public Passages

**PORTSMOUTH—continued.**

and Places within the Town of Portsea in the County of Southampton; and for removing and preventing Nuisances, Annoyances, and Obstructions within the said Town. [32 Geo. 3. c. 103.]

An Act for better lighting and watching the Town of Portsea in the County of Southampton; and for amending an Act passed in the Thirty-second Year of His late Majesty, for paving, cleansing, and regulating the Streets and public Places within the said Town, and removing and preventing Nuisances and Annoyances therein. [7 Geo. 4. c. 64.]

**PRESTON:**

An Act to light, watch, pave, cleanse, and improve the Streets, Highways, and Places within the Borough of Preston in the County Palatine of Lancaster, and to provide Fire Engines and Firemen for the Protection of the said Borough. [55 Geo. 3. c. 22.]

**READING:**

An Act for better paving, lighting, cleansing, watching, and otherwise improving the Borough of Reading in the County of Berks. [7 Geo. 4. c. 56.]

**ROCHESTER:**

An Act for paving, cleansing, lighting, and watching the High Streets and Lanes in the Parish of Saint Nicholas within the City of Rochester and Parish of Strood in the County of Kent, and for making a Road through Star Lane, across certain Fields adjoining thereto, to Chatham Hill in the said County. [9 Geo. 3. c. 32.]

**SANDWICH:**

An Act for the better repairing, paving, cleansing, lighting, and watching the Highways, Streets, and Lanes of and in the Town and Port of Sandwich in the County of Kent, and in the several Parishes of Saint Peter the Apostle, Saint Mary the Virgin, and Saint Clement, in the said Town, Port, and County; and for removing and preventing Encroachments, Nuisances, Obstructions, and Annoyances in the said Highways, Streets, and Lanes, and on the common Quay belonging to the said Town and Port, and in the Haven adjoining to the said Quay, and the Bridge built over the said Haven; and for regulating the Berths and Mooring Places of Vessels at the said Quay, and the proper Times for Vessels to pass through the said Bridge. [27 Geo. 3. c. 67.]

**SARUM, NEW:**

An Act for the better repairing and paving the Highways, Streets, and Watercourses within the City of New Sarum; and for enlightening the Streets, Lanes, and Passages, and better regulating the Nightly Watch within the said City. [10 Geo. 2.]

An Act to alter, extend, and amend the Powers of Two Acts passed in the Tenth Year of the Reign of His late Majesty King George the Second, and in the Twelfth Year of the Reign of His present Majesty, for better paving, lighting, and watching the City of New Sarum in the County of Wilts. [55 Geo. 3. c. 23.]

**SCARBOROUGH:**

An Act for paving and otherwise improving the Streets and other Places in the Township of Scarborough in the North Riding of the County of York, and for licensing Hackney Coaches and establishing other Regulations in the said Township. [41 Geo. 3. c. 94.]

**SHREWSBURY:**

An Act for the better paving and amending, cleansing, enlightening, and watching the Streets, Highways, Lanes, and Passages within the Town of Shrewsbury in the County of Salop. [29 Geo. 2. c. 78.]

**SHREWSBURY**—*continued.*

An Act for repealing an Act passed in the Twenty-ninth Year of the Reign of His Majesty King George the Second, for paving, lighting, and watching the Town of Shrewsbury in the County of Salop; and for granting other Powers in lieu thereof. [1 & 2 Geo. 4. c. 58.]

**SOUTHAMPTON :**

An Act for the better paving, repairing, and cleansing the Streets and other public Passages in the several Parishes and Wards of Saint Michael, Saint John, Holy Rood, Saint Lawrence, All Saints-within-the-Bar, All Saints-without-the-Bar, and East Street and Bay Row, within the Town of Southampton and Liberties thereof, and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious, and for lighting and watching the said Streets and public Passages. [10 Geo. 3. c. 25.]

An Act to amend an Act made in the Tenth Year of His present Majesty, for paving, repairing, cleansing, lighting, and watching the Streets and other public Passages in the Town of Southampton. [50 Geo. 3. c. 169.]

**STAFFORD :**

An Act for paving, lighting, watching, cleansing, regulating, and improving the Streets, Lanes, and other public Passages and Places within the Borough of Stafford in the County of Stafford. [11 Geo. 4. c. 44.]

**ST. ALBAN'S :**

An Act for paving the Footways and Crosspaths, and for cleansing, lighting, watching, and regulating the Streets and other public Passages and Places, within the Borough of Saint Alban in the County of Hertford. [44 Geo. 3. c. 8.]

**STOCKPORT :**

An Act for lighting, cleansing, watching, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Town of Stockport in the County Palatine of Chester; and for regulating the Police of the said Town. [7 Geo. 4. c. 118.]

**STOCKTON :**

An Act for lighting, cleansing, and otherwise improving the Town and Borough of Stockton in the County of Durham. [1 Geo. 4. c. 62.]

**SUNDERLAND :**

An Act for lighting and watching the Town of Bishop Wearmouth and Bishop Wearmouth Panns, for cleansing, paving, and regulating the Footpaths, and for removing and preventing Nuisances and Encroachments therein. [50 Geo. 3. c. 25.]

An Act for paving, lighting, watching, and cleansing the Town of Sunderland near the Sea in the County of Durham; for removing the Market; for building a Town Hall or Market House; and for otherwise improving the said Town; and for establishing a Watch on the River Wear. [50 Geo. 3. c. 27.]

An Act for paving, lighting, watching, cleansing, and improving the Town and Parish of Sunderland near the Sea in the County of Durham, for removing the Market, and for otherwise improving the said Town. [7 Geo. 4. c. 120.]

**SWANSEA :**

An Act for better paving, repairing, cleansing, lighting, and watching the several Streets and other public Passages and Places within the Town and Franchise of Swansea in the County of Glamorgan, and for removing and preventing Nuisances, Annoyances, and Obstructions therein. [49 Geo. 3. c. 79.]

**TEWKESBURY :**

An Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the Town of Tewkesbury and the Precincts thereof, in the County of Gloucester; for the Removal of present and Prevention of future Encroachments, Nuisances, and Annoyances therein; for regulating Carts and other Carriages, and ascertaining the Rates of Carriage; and for widening some Part of the Street called Church Street, within the said Town.

[26 Geo. 3. c. 17.]

**TIVERTON :**

An Act for the better and more easy rebuilding of the Town of Tiverton in the County of Devon, and for determining Differences touching Houses and Buildings burnt down or demolished by reason of the late dreadful Fire there, and for the better preventing Dangers from Fire for the future.

[5 Geo. 2.]

An Act for paving and otherwise improving the Town of Tiverton in the County of Devon.

[34 Geo. 3. c. 52.]

An Act for amending and enlarging the Powers and Provisions of an Act of His late Majesty King George the Third, intituled "An Act for paving and otherwise improving the Town of Tiverton in the County of Devon, and for lighting the said Town."

[3 Geo. 4. c. 60.]

**TRURO :**

An Act for paving, cleansing, lighting, and widening the Streets, Lanes, and Passages, for removing and preventing Encroachments, Nuisances, and Annoyances, and for regulating the Porters and Drivers of Carts, within the Borough of Truro, and Part of the adjoining Parishes, in the County of Cornwall.

[30 Geo. 3. c. 62.]

**WALLINGFORD :**

An Act for paving the Footways, and for cleansing, lighting, watching, and regulating the Streets, Lanes, Passages, and Places, within the Borough of Wallingford in the County of Berks, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein.

[35 Geo. 3. c. 75.]

**WALSALL :**

An Act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the Town of Walsall and the Neighbourhood thereof, within the Parish of Walsall in the County of Stafford.

[5 Geo. 4. c. 68.]

**WELLS :**

An Act for more effectually repairing and improving certain Roads leading to and from the City or Borough of Wells in the County of Somerset; and for paving, cleansing, lighting, watching, and watering the said Roads, and the Streets, Lanes, and public Passages within the said City or Borough, the Liberty of Saint Andrew, and Suburbs of the said City and Borough, and removing and preventing Nuisances and Annoyances therein.

[1 &amp; 2 Geo. 4. c. 12.]

An Act for lighting with Gas the City and Borough of Wells in the County of Somerset, the Liberty of Saint Andrew, and Suburbs of the said City or Borough.

[2 Will. 4. c. 37.]

**WEYMOUTH and MELCOMBE REGIS :**

An Act for paving, cleansing, lighting, and watching the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset, and for removing all Encroachments, Obstructions, and Annoyances therein.

[16 Geo. 3. c. 57.]

**WEYMOUTH and MELCOMBE REGIS—continued.**

An Act for more effectually cleansing, lighting, and watching the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset, and removing Encroachments and Annoyances therein; for licensing and regulating Chairmen and other Persons plying for Hire, for establishing Markets, and for giving further Powers to the Quay Master of the Harbour of the said Town. [50 Geo. 3. c. 187.]

**WINCHESTER:**

An Act for the better paving, repairing, cleansing, lighting, and watching the Streets and other public Passages within the City of Winchester, and also within the several Parishes of Saint Bartholomew, Hide, Saint John's in the Soke, Saint Peter's Cheesehill, Saint Swithin, and Saint Michael in the West Soke, in the Suburbs of the said City; and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [11 Geo. 3. c. 9.]

An Act for amending and enlarging the Powers of an Act of His present Majesty, for paving, cleansing, lighting, and watching the Streets and public Passages in the City of Winchester, and several Parishes in the Suburbs thereof, and for removing and preventing Nuisances therein. [48 Geo. 3. c. 2.]

**WINDSOR:**

An Act for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor in the County of Berks, and for preventing Nuisances and Annoyances therein. [9 Geo. 3. c. 10.]

**WISBEACH:**

An Act for the establishing a Cattle Market within the Town of Wisbech in the Isle of Ely; for taking down and removing Shambles therein; for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein; for preserving and improving the Port and Harbour of Wisbech, and for regulating the Pilots belonging thereto. [50 Geo. 3. c. 206.]

**WORCESTER:**

An Act for better supplying the City of Worcester and the Liberties thereof with Water; and for more effectually paving, lighting, watching, and otherwise improving the said City. [4 Geo. 4. c. 69.]

**YARMOUTH (GREAT):**

An Act for better paving, lighting, cleansing, and watching the Town of Great Yarmouth in the County of Norfolk, and for removing Nuisances and Annoyances therein, and for making other Improvements in the said Town. [50 Geo. 3. c. 23.]

**YORK:**

An Act for paving, lighting, watching, and improving the City of York and the Suburbs thereof, and the Liberty of Saint Peter within the said City, and for regulating the Police of the same respectively. [6 Geo. 4. c. 127.]

An Act for improving and enlarging the Market Places within the City of York, and rendering the Approaches thereto more commodious; and for regulating and maintaining the several Markets and Fairs held within the same City and the Suburbs thereof; and for amending an Act of His late Majesty, for paving, lighting, watching, and improving the said City; and other Purposes. [3 Will. 4. c. 62.]

## C A P. LXXVII.

An Act to repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on *German Sheet Glass* exported in Panes; and to repeal the Drawback on unground and unpolished Plate Glass; and to amend the Laws relating to the Duties on Glass. [9th September 1835.]

‘ WHEREAS it is expedient to reduce the Duties and Drawbacks on Flint Glass, and the Drawback now payable on the Exportation of *German Sheet Glass* in Panes, and to repeal the Drawback now payable on the Exportation of unground or unpolished Plate Glass, and it is necessary to amend the Laws for securing the Duties on Glass:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-five the Duties and Drawbacks now payable and allowed on Flint Glass shall be and the same are hereby repealed, save and except as to any Arrear of Duty which may be due and owing, or which may be charged or incurred, or any Drawback which may be payable on any Flint Glass exported on or before the said Tenth Day of *October* One thousand eight hundred and thirty-five.

Duties and Drawbacks on Flint Glass repealed, except, &c.

New Duty of 6s. 8d. on every One hundred Pounds Weight of fluxed Materials for making Flint Glass.

II. And be it further enacted, That in lieu of the Duty on Flint Glass by this Act repealed 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 and upon 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, that shall be made in *Great Britain* or *Ireland*, for the Purpose of making Flint Glass, the Sum of Six Shillings and Eight-pence, such Duty to be charged on the gross Gauge of such Materials or Metal or other Preparations in the Pot, of which fluxed Materials or Metal or other Preparations, Three thousand two hundred being taken as the Specific Gravity, Eleven shall be the Circular Divisor for finding the Contents in each Pot in Pounds Weight Avoirdupois, without any Deduction, Abatement, or Allowance whatsoever.

Drawback of 18s. 9d. on every One hundred Pounds Weight of Flint Glass exported.

III. And be it further enacted, That in lieu of the Drawback on Flint Glass hereby repealed the following Drawback shall be allowed and paid; (that is to say,) for and upon every One hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of Flint Glass which shall be made in *Great Britain* or *Ireland*, and for and in respect of which, or of the Materials, Metal, or other Preparations from which the same shall have been made, all Excise Duties payable thereon shall have been duly charged, and which shall be exported as Merchandise from thence to Foreign Parts, the Sum of Eighteen Shillings and Nine-pence.

IV. And

IV. And be it further enacted, That at the End of every Round or Period of Six Weeks an Account shall be taken and made out by the Supervisor, Surveyor, or Officer of the District or Place in which the Glasshouse of any Maker of Flint Glass shall be situate, of the whole Quantity of Flint Glass for or in respect of which such Maker of Flint Glass as aforesaid shall have been charged with Duty upon the fluxed Materials or Metal or other Preparations from which such Flint Glass 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 an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to repeal the Excise Duties and Drawbacks on Flint Glass made in Great Britain and to impose other Duties and another Drawback in lieu thereof, throughout the United Kingdom; and to continue the Jurisdiction and Powers for recovering Penalties under Customs and Excise Laws in Ireland, until further Provision can be made*, and of another Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to repeal the Excise Duties on Flint Glass, and to impose other Duties in lieu thereof, and to amend the Laws relating to Glass*, and of the whole Weight of manufactured Flint Glass Wares weighed, or which shall have been made by such Maker of Flint Glass as aforesaid, 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 Glass and Glass Wares as aforesaid shall exceed the Quantity of such Glass as aforesaid with which such Maker 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, every such Maker shall be charged with and pay the Sum 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 as aforesaid shall have paid or may have been charged with upon the fluxed Materials or Metal or other Preparations from which such Flint Glass as aforesaid shall have been made.

V. And be it further enacted, That in lieu of the Drawback of Four Pounds Eighteen Shillings *per Hundred Weight* now payable on *German Sheet Glass* exported in Panes there shall be allowed and paid for every Hundred Weight of Panes of *German Sheet Glass* made in any Part of the United Kingdom, and for which the Duty shall have been charged, and which shall after the passing of this Act be exported as Merchandize from any Part of the United Kingdom to Foreign Parts, such Panes not being of less Dimensions than Six Inches in Length by Four Inches in Breadth, Four Pounds Four Shillings, and so in proportion for any greater or less Quantity than an Hundred Weight of such Panes.

VI. And be it further enacted, That the said Duties and Drawbacks on Flint Glass, and the said Drawback on *German Sheet Glass*, by this Act imposed and granted, shall be under the Management of the Commissioners of Excise, and that the said Duties and Drawbacks shall be respectively raised, levied, col-

lected, and Officer to make out an Account at the End of each Round or Period of Six Weeks of the whole Quantity of Glass charged with Duty, and the whole Weight of Glass weighed within such Period, and to charge 2d. *per Pound* additional on all Excess above 40 *per Cent*.  
6 G. 4. c. 117.

2 & 3 W. 4. c. 102.

Drawback on German Sheet Glass exported in Panes, 4l. 4s. *per Hundred Weight*.

Duties and Drawbacks to be collected and paid under former Regulations.

lected, recovered, allowed, and paid in such and the like Manner, and in or by any of the general or special Ways, Means, or Methods, by which the former Duties and Drawbacks, in lieu of which the same are hereby imposed and granted, were or might be raised, levied, collected, recovered, allowed, and paid, and the respective Persons, Goods, Merchandize, and Commodities liable to the Payment or chargeable with the said Duties imposed, or entitled to the said Drawbacks granted by this Act, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, and Forfeitures to which such Persons, Goods, Merchandize, and Commodities were generally or specially subject and liable by any Act or Acts in force on or immediately before the Commencement of this Act respecting the Duties of Excise under the Management of the Commissioners of Excise; and all and every Pain, Penalty, Fine, and Forfeiture of any Nature or Kind whatever, for any Offence whatever committed against or in breach of any such Act or Acts, and the several Clauses, Powers, and Directions therein contained, shall be and are hereby directed and declared to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties and Drawbacks hereby imposed and granted and allowed, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in this Act: Provided always, that nothing herein contained shall alter or affect the Drawback now payable on the Exportation of Panes of Window Glass commonly known as Crown Glass, not being *German Sheet Glass*, but the Drawback on such Glass exported shall continue and be payable in the same Manner as if this Act had not been passed.

Act not to affect the Drawback on Crown Glass.

Flint Glass not to be entitled to Drawback, unless properly manufactured and finished, and worth at least 5d. per Pound.

VII. And be it further enacted, That no Drawback shall be allowed or payable on the Exportation of any Flint Glass Wares or Commodities 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 or if the same had been made into Articles for Home Consumption; and every Person who shall pack or enter or ship, or cause to be packed, entered, or shipped, for Exportation on Drawback, any bad or unmerchantable Flint Glass, or any Flint Glass Wares or Commodities which shall not be of the Description, Quality, and Value aforesaid, shall forfeit Treble the Value of the Drawback sought to be obtained, or One hundred Pounds, at the Election of the Commissioners of Excise, together with all the Flint Glass so packed, entered, or shipped, which may be seized by any Officer of Excise or Customs.

Flint Glass made into Cylinders not to be opened or flattened out, except as herein provided.

VIII. And be it 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



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.

IX. And for preventing Frauds by Persons other than Makers of Flint Glass opening out and flattening Shades or Cylinders of Flint Glass, be it further enacted, That every Glass Bender or Stainer, not being a Maker of Glass, who shall make use of any Arch or Oven for the heating, opening, or flattening, or bending or staining of Glass, shall make Entry with the Officer of Excise of the District or Division in which his Premises shall be situate of every Arch or Oven and of every Room and Place used by him for heating, opening, or flattening, or bending or staining Glass, or keeping Glass opened or flattened, or to be opened and flattened out; and it shall not be lawful for any such Bender or Stainer of Glass to receive or have in any Arch or Oven or in any Room or Place so entered any Shade or Cylinder made of white or uncoloured Flint Glass; and every Person who shall make use of any Arch or Oven for heating, opening, or flattening, or bending or staining Glass, without having made such Entry as aforesaid, shall forfeit Fifty Pounds, together with all the Glass found on such unentered Premises; and every Glass Bender or Stainer on whose Premises any Shade or Cylinder of white or uncoloured Flint Glass shall be found shall forfeit the same, together with Five Pounds for every such Shade or Cylinder.

X. And be it further enacted, That it shall be lawful for any Officer of Excise at all Times to enter into and inspect the Premises of every Bender and Stainer of Glass, and to examine all Glass therein; and if any such Officer shall be obstructed, or be hindered or prevented from so entering, or from examining any Glass in any such Premises, the Bender or Stainer at or in whose Premises such Obstruction, Hindrance, or Prevention shall take place shall forfeit Fifty Pounds.

XI. And be it further enacted, That no Glass exported in Panes of a greater Specific Gravity than Two thousand eight hundred shall be entitled to Drawback as Crown Glass or *German* Sheet Glass; but all Glass produced for Exportation in Panes as Crown Glass or *German* Sheet Glass of a greater Specific Gravity than Two thousand eight hundred, and all coloured Glass exported on Drawback, shall be deemed and taken to be Flint Glass, and shall not be entitled to any higher Rate of Drawback than the Drawback on Flint Glass granted by this Act.

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 Tenth Day of *October* One thousand eight hundred and thirty-five, 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 Eleventh Day of *October* One thousand eight hundred and thirty-

For preventing Frauds as to last-mentioned Provision by Persons not being Makers of Glass.

Officers to enter Premises of last-mentioned Persons, and examine Glass therein.

Glass exported in Panes of greater Specific Gravity than 2,800 not entitled to Drawback.

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.

five shall give Notice of such his Intention in Writing to the proper Officer of Excise before storing any such Glass. and in 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 Glasshouse, also give 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 Tenth Day of *October* One thousand eight hundred and thirty-five, 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 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 Eleventh Day of *October* One thousand eight hundred and thirty-five, on which Day the proper Officers of Excise shall 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 such last-mentioned Period, Notice being given, and 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 Eleventh Day of *October* it shall be lawful for such Maker to give Notice to the Officer of Excise, specifying 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 Eleventh Day of *October* the full Duty of Excise now payable shall be paid: Provided also, that not more than One such Notice shall be given on the same Day between the Hours of Six o'Clock in the Morning and Six o'Clock in the Evening.

XIV. And

XIV. And be it further enacted, That if any Flint Glass which shall be made under the Regulations aforesaid as not to be sent into Consumption until after the Tenth Day of *October* One thousand eight hundred and thirty-five 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 Eleventh Day of *October* One thousand eight hundred and thirty-five, 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 Eleventh Day of *October* One thousand eight hundred and thirty-five 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 any 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 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 further enacted, That it shall not be lawful for any Maker of Crown Glass or *German* Sheet Glass, who shall also be a Maker of Plate Glass, to make or manufacture at the same Time from the same Furnace or within the same Glasshouse or Building any Crown Glass or *German* Sheet Glass and Plate Glass, but all such Plate Glass shall be made and manufactured in a separate Period, when no Crown Glass or *German* Sheet Glass shall be making or manufacturing, or any fluxed Materials or Metal for making the same shall be in such Glasshouse or Building; and every such Maker as aforesaid who shall make or manufacture at the same Time in the same Glasshouse or Building any Plate Glass and any Crown Glass or *German* Sheet Glass shall forfeit One hundred Pounds, and all the Plate Glass and Crown Glass or *German* Sheet Glass found so in the course of Manufacture at the same Time shall also be forfeited.

Plate Glass and German Sheet or Crown Glass not to be made at the same Time in the same House.

XVI. ' And whereas the same Amount of Duty is imposed on *German* Sheet Glass made in the United Kingdom as on Crown Glass, but in some of the Regulations for securing the said Duty *German* Sheet Glass is not mentioned, whereby Doubts may arise whether *German* Sheet Glass is included in some of the Regulations prescribed by such Acts; for obviating of which Doubts, be it further declared and enacted, That all the Regulations contained in any Act or Acts for securing the Duties on or regulating the Manufacture of spread Window Glass or Crown Glass, and all the Provisions, Clauses, Enactments,

Declaring the Acts for securing the Duty on Crown Glass to extend to German Sheet Glass.

Pains,

Pains, Penalties, and Forfeitures in such Act or Acts contained, shall extend to and be put in force in securing the Duties on and regulating the Manufacture of *German Sheet Glass*.

Manufacturer of German Sheet Glass to provide a Room for depositing Goods not requiring to be annealed.

XVII. 'And whereas in the Manufacture of *German Sheet Glass* certain Goods and Wares are made which do not require to be annealed, and it is expedient to provide for securing the Duty on such Articles; be it therefore enacted, That every Manufacturer of *German Sheet Glass* making any Goods or Wares which do not require to be annealed shall and he is hereby required to provide in his Glasshouse a good, sufficient, and well-lighted Room for the placing and depositing therein such Goods and Wares as do not require to be annealed in an annealing Arch; and such Room, and the Door or Entrance thereof, shall be securely locked, fastened, and sealed by the Officer or Officers of Excise under whose Survey such Maker shall from Time to Time be at all Times when there shall be any such Glass as aforesaid therein, save and except when the same shall be opened by such Officer or Officers for the Purpose of depositing therein such Glass as aforesaid, or of weighing and taking an Account of such Glass; and when any such Maker shall be desirous of having the Door or Entrance of such Room unlocked and opened for any of the Purposes aforesaid, such Maker shall give to the Officer of Excise under whose Survey he shall be One Hour's previous Notice in Writing of his Intention of depositing such Glass in such Room, and Six Hours Notice for weighing such Glass for the Charge of Duty, specifying in such Notice the particular Time and Hour when he is desirous to have the same so unlocked and opened, whereupon the Officer shall attend, pursuant to such Notice, and shall unlock and open the said Door or Entrance, and shall continue the same so unlocked and opened for so long a Time as shall be necessary for the Purpose specified in such Notice, and such Officer shall thereupon again lock, fasten, and secure the said Door or Entrance: and all Locks, Keys, and Fastenings requisite and necessary for locking and securing the said Room shall be provided and maintained at the Expence of such Manufacturer; and if any Maker of *German Sheet Glass* shall refuse to provide such Room as aforesaid, or to pay for any Lock, Key, or Fastening provided by the Supervisor of Excise for locking and securing the same, he shall forfeit One hundred Pounds.

Makers to deposit the German Sheet Glass or Wares not requiring to be annealed in Trays or Baskets to be provided by them, and to convey the same into the Room provided for that Purpose, as soon as filled, under the Penalty of 100*l*.

XVIII. And be it further enacted, That every Maker of *German Sheet Glass* who shall make or manufacture any *German Sheet Glass* which does not require to be put or deposited into any Lear or to be annealed therein, such Maker having provided such Room as by this Act required for placing and depositing the same therein, shall, as soon as such *German Sheet Glass* shall be made or manufactured into Glass Wares, lay or deposit all such *German Sheet Glass*, or the Wares into which the same shall be made or manufactured, in Trays or Baskets, to be by him in that Behalf provided, and shall immediately, or so soon as the same shall be filled, carry and convey all such Trays or Baskets, with the Glass or Wares laid or deposited therein as aforesaid, into the Room by him provided for such Purpose, and shall place and deposit such Trays or Baskets, or the *German Sheet*

Sheet Glass or Wares therein, in such Room, and keep and continue the same therein until the Officer shall have finally weighed and taken an Account thereof for Charge of Duty; and every Maker of *German* Sheet Glass who shall make or manufacture any such Glass as aforesaid, and shall not so lay or deposit all such Glass, or the Wares into which the same shall be made or manufactured, in such Trays or Baskets as aforesaid, or who shall not immediately, or so soon as the same shall be filled, carry and convey every such Tray or Basket, with such Glass therein, into such Room as aforesaid, or who shall not place or deposit the *German* Sheet Glass or Wares therein in such Room, or shall not keep or continue the same therein until the Officer shall have finally weighed and taken an Account thereof as aforesaid, shall for every such Offence forfeit and lose the Sum of One hundred Pounds: Provided always, that any Officer or Officers of Excise shall be at liberty to weigh or take an Account of all *German* Sheet Glass brought into or deposited in such Room in such Manner and at such Times as he or they may think fit.

XIX. And be it further enacted, That every Maker of *German* Sheet Glass shall and he is hereby required to keep sufficient and just Scales and Weights in such Room as aforesaid, and shall at his own Expence find, provide, and affix within such Room fit and proper Hooks or Staples, and also permit and suffer any Officer or Officers of Excise at any Time to use the same for the Purpose of weighing and taking an Account of and re-weighing in such Room the Glass, as he may think fit, which shall at any Time be deposited therein; and if any such Maker shall neglect to keep such Scales and Weights, or either of them, or shall not at his own Expence find, provide, and affix in manner aforesaid such fit and proper Hooks or Staples as aforesaid, or shall not permit or suffer any Officer or Officers of Excise to use the same, such Maker shall for each and every such Offence forfeit and lose the Sum of One hundred Pounds; and if any such Maker shall in the weighing or re-weighing of any such *German* Sheet Glass make use of, or cause or procure or suffer to be made use of, any false, unjust, or insufficient Scales or Weights, or shall practise any Art, Device, or Contrivance by which any Officer or Officers may be hindered or prevented from taking the just and true Weight of any such *German* Sheet Glass, then and in every such Case such Maker shall for every such Offence forfeit the Sum of Two hundred Pounds, with all such false, unjust, or insufficient Scales and Weights respectively, and the same shall and may be seized by any Officer of Excise.

XX. And be it further enacted, That the Drawback now payable on unground and unpolished Plate Glass shall be and the same is hereby repealed; and no Drawback shall be allowed or payable on any Plate Glass exported after the passing of this Act from the United Kingdom, except such Glass shall be ground and polished, and in all other respects conformable to the Regulations in respect to the Drawback on and Export of ground and polished Plate Glass contained in an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to repeal certain Drawbacks and counter-*

Makers to provide Scales and Weights in the Room for unannealed Glass.

Penalty for Neglect, 100*l*.

Making use of false Scales, Penalty, 200*l*.

Drawback on unground and unpolished Plate Glass repealed.

*vailing Duties of Excise on Beer and Malt, and to alter the Drawbacks on Plate Glass, and to prevent Frauds therein.*

Repeal of the Restriction as to the Thickness of Plate Glass.

XXI. And be it further enacted, That so much of any Act or Acts as prohibits or prevents Plate Glass from being made or manufactured of any greater Thickness than Five Eighths of an Inch shall be and the same is hereby repealed; and it shall be lawful for any Maker of Plate Glass to make and manufacture the same of any Thickness; provided always, that no Plate Glass shall be entitled to be exported on Drawback which shall be in any Part thereof when ground and polished of a less Thickness than One Eighth of an Inch.

Repeal of Certificate.

XXII. And be it further enacted, That so much of any Act or Acts as requires a Certificate of the Charge or Payment of Duty to accompany any Glass which shall be removed from *Ireland* into *Great Britain* shall be and the same is hereby repealed.

Act may be altered, &c.

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

### C A P. LXXVIII.

An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King *William* the Fourth, for amending the Representation of the People in *Scotland*; and to diminish the Expences there.

[9th September 1835.]

‘ **W**HEREAS it is expedient that the Time for fixing the Day of Election of Members to serve in Parliament for Cities, Burghs, or Towns in *Scotland* should be shortened after the Receipts of the Writs by the Sheriff, and that the Poll at such Elections should be taken in One Day: And whereas an Act was passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People* in *Scotland*, whereby it is provided that the Day of Election shall be not less than Ten or more than Sixteen Days after the Day on which the Writ is received: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That each Sheriff to whom any Writ for the Election of a Member or Members to serve for any City, Burgh, or Town, or District of Cities, Burghs, or Towns, shall be directed, under the Provisions of the said recited Act, shall endorse on the Back of the Writ the Day on which he received it, and shall (except only in the Cases herein-after provided) within Two Days thereafter announce a Day or Days for the Election or Elections, which Day or Days shall (except only in the Cases herein-after provided) be not less than Four nor more than Ten Days in Cities, Burghs, and Towns, or Districts of Cities, Burghs, and Towns, after the Day on which the Writ was received, and shall give due Intimation thereof as is provided in the said recited Act.

2 & 3 W. 4. c. 65.

Sheriff to endorse on the Writ the Day on which he received it, and within Two Days announce Time for the Election within Ten Days.

II. Provided always, and be it enacted, That in the Districts comprehending *Kirkwall, Wick, Dornoch, Dingwall, Tain, Cromarty, Ayr, Irvine, Campbelloon, Inverary, and Oban*, the Provisions of the said recited Act, in so far as they relate to the Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Proclamation thereof, shall remain in full Force and Effect, any thing contained in this Act notwithstanding.

Proviso as to Shires and Districts of Burghs herein specified.

III. And be it enacted, That the Sheriff may, if required by or on behalf of any Candidate, or, if not so required, if it shall appear to him expedient, increase or alter the Number, Situation, or Arrangement of the existing Polling Places and Districts, or Parts thereof, so that not more than Three hundred Electors shall be allotted to poll in each Booth or Compartment for any of the Cities, Burghs, or Towns within his Shire; and where an Alteration has been made by the Sheriff in the Number, Situation, or Arrangement of the Polling Places in any such City, Burgh, or Town, the Town Clerk shall forthwith make up a List of the Polling Places, and cause Copies thereof to be affixed to the Doors of all the Parish or Town Churches within such City, Burgh, or Town.

Sheriff may alter Polling Districts and Polling Places.

IV. And be it further enacted, That on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, the Booths or Compartments at each Polling Place shall be so divided and arranged by the Sheriff or his Substitute duly authorized by him that not more than One hundred Electors shall be allotted to poll in each such Booth or Compartment: Provided always, that such Candidate or Elector making such Requisition shall pay all Expences incident upon such Division or Arrangement.

On Requisition, Sheriff to arrange Booths so as not more than 100 Electors shall poll in each.

V. And be it enacted, That no Poll at any Election for any City, Burgh, or Town, or District of Cities, Burghs, or Towns, shall be kept open for more than One Day, and that only between the Hours of Eight in the Morning and Four in the Afternoon; provided always, that at any Time after a Poll has been demanded the Poll at any One Place may be closed if all the Candidates or their Agents and the Sheriff or his Substitute shall agree in so closing it; and after the Poll shall have been closed at all the Polling Places the Sheriff or his Substitute may forthwith upon Receipt of the whole Poll Books, and after having summed them up, make Proclamation of the Member or Members chosen, at any Hour not later than Two of the Clock in the Afternoon, without waiting for the Day appointed for the Declaration: Provided also, that where the Proceedings at any Election shall be interrupted or obstructed by any Riot or open Violence, whether such Proceedings shall consist of the Nomination of Candidates or of the taking the Poll, the Sheriff or his Substitute at the Place where the Riot or open Violence has occurred may adjourn the Nomination or the taking the Poll at the particular Polling Place or Places at which such Riot or open Violence shall have happened to the following Day or some other convenient Time, and, if necessary, may repeat such Adjournment till such Interruption or Obstruction shall have ceased, he always giving Notice to the Sheriff, or his Substitute who is to make the Return, of

Polls to be kept open only One Day.

such

such Adjournment having been made; and the State of the Poll shall not be finally declared, nor the Result of the Election proclaimed, until the Poll so interrupted or obstructed shall be closed and transmitted to the Sheriff or his Substitute who is to make the Return.

Sheriff Substitutes to transmit their Poll Books to the Sheriff.

VI. And be it enacted, That where a Poll takes place for a District of Burghs situated in different Counties the Poll Books shall at the final Close thereof be forthwith sealed up and delivered or transmitted by the Sheriffs or Sheriff Substitutes in charge of the Polls to the Sheriff appointed by the said recited Act to make the Return of the Member for such District.

Return may be delayed when Poll Books not received.

VII. And be it enacted, That in case any of the Poll Books of any County, City, Burgh, or Town shall not have been received by the Returning Sheriff in Time to cast up the Votes on the several Poll Books and to declare the Election within the Period prescribed by this Act, the said Sheriff shall postpone the Declaration of the Election till the said several Books are received.

Proclamation to be made the Day after Receipt of Poll Books.

VIII. And be it enacted, That the Sheriff shall, on the Day after the Receipt of the Poll Books, and before Four of the Clock in the Afternoon, declare the Result of the Election, and make Proclamation accordingly: Provided that if the Poll Books shall be received on a *Saturday* such Declaration and Proclamation shall be made before Four of the Clock on the *Monday* following.

Sheriff, on Application of any Freeholder, to remove such Freeholder's Name from District to County Town List.

IX. And be it enacted, That any Freeholder of any County or Shire in *Scotland* whose Rights are preserved to him by the said recited Act shall be entitled to make Application to the Sheriff of such County or Shire, and upon One Month's Notice thereof being published on the Doors of the said Sheriff Court, to poll at all Times thereafter at the Polling Place for the District within which the County Town is situated; and the Sheriff shall delete his Name from the District List, and insert it in that for the District in which the County Town is situate: Provided always, that after making such Application to the said Sheriff, and publishing such Notice on the Doors of the said Sheriff Court, it shall not be lawful for the said Freeholder to poll in any other District of such County or Shire; and provided also, that where a Fiar and Life Renter are registered in respect of the same Freehold Qualification they shall both concur in the said Application.

Vote of Fiar not to be reckoned as well as Vote of Life Renter.

X. And be it enacted, That the Vote of any Fiar of a Freehold Qualification in any County or Shire in *Scotland* whose Rights are preserved to him by the said recited Act shall always be taken by the Sheriff on a Paper apart, and shall not be reckoned by him in casting up the Votes at any Election where it shall appear that the Life Renter has voted.

Sheriff, in case of necessary Absence, may appoint a special Substitute.

XI. And be it enacted, That where a Sheriff is necessarily absent from any Place where any Duty, other than that of acting as a Judge of Appeal, is required of him by the said recited Act or by this Act, it shall be competent for him to appoint a special Substitute to act for him at such Place; and in the Event of no such special Substitution, his ordinary Substitute at the Place shall be entitled and is hereby required to act in his Room; and if the Office of Sheriff shall at any Time be vacant, by Death or Resignation, when any of the Duties imposed by the said recited



Act or by this Act (other than those imposed upon him as a Judge of Appeal) are required to be performed, the ordinary Substitute at the Head Burgh of the Shire appointed by the former Sheriff shall be entitled and is hereby required to act until a Successor to such former Sheriff shall be appointed and be in a Capacity to act.

XII. And be it enacted, That the Sheriffs composing the Court of Appeal constituted by the said recited Act may assemble at the different Circuit Towns on such Day as they shall fix between the Fifteenth and Twenty-fifth Days of *September* in each Year, whether the Circuit Courts for this and the succeeding Years shall have been held prior to these Dates or not; and where such Court shall consist of Four Sheriffs, the Sheriff against whose Judgment any Appeal shall be brought shall have no Voice in the Determination of any such Appeal.

Assembling of the Sheriffs Court of Appeal.

XIII. And be it enacted, That in all Cases in which the Provisions of the said recited Act shall be inconsistent with this Act, and in as far as shall be necessary to give effect to the true Intent and Meaning of this Act, but no further, the said recited Act shall be and the same is to such Extent hereby repealed; but the said recited Act shall in all other respects remain in full Force and Effect, and be as good and effectual to carry this Act into execution as if the same were herein repeated and re-enacted.

Recited Act repealed so far as inconsistent with this Act.

XIV. And be it further enacted, That this Act shall take effect from and after the passing thereof.

Commencement of Act.

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

Act may be amended, &c.

### C A P. LXXIX.

An Act to suspend, until after the Sixth Day of *April* One thousand eight hundred and thirty-six, Proceedings for recovering Payment of certain Instalments of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*.  
[9th *September* 1835.]

‘ **W**HEREAS by an Act passed in the Third and Fourth Years of His Majesty’s Reign, intituled *An Act for the Relief of the Owners of Tithes in Ireland, and for the Amendment of an Act passed in the last Session of Parliament, intituled ‘ An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent,*’ it is amongst other Things enacted, that it should be lawful for any Person entitled to any Tithes arising out of Lands in *Ireland*, for the Years One thousand eight hundred and thirty-one, One thousand eight hundred and thirty-two, or One thousand eight hundred and thirty-three, to make Application to the Lord Lieutenant, praying Relief, under the said Act, in respect of such Tithes; and it is further enacted, that such Application should be made by a Memorial, with a Schedule thereto annexed, setting forth such Particulars as in

3&4W.4. c.100.

‘ the

‘ the said Act are in that Behalf mentioned; and it is by the  
 ‘ said Act further enacted, that the said Memorial and Schedule,  
 ‘ amended as therein is mentioned, should be transmitted in  
 ‘ manner therein mentioned to the Lord Lieutenant, who should  
 ‘ thereupon authorize and direct such Sum to be advanced to  
 ‘ such Memorialist as should appear by the said Memorial and  
 ‘ Schedule to be due and owing to him on account of the Tithes  
 ‘ therein included; and it is thereby further enacted, that the  
 ‘ said Lord Lieutenant should cause every such original Me-  
 ‘ morial and Schedule, together with a Certificate under his Hand  
 ‘ of the Amount of the Advances so made to the Memorialist, to  
 ‘ be lodged in the Office of the Remembrancer of the Court of  
 ‘ Exchequer in *Ireland*, and that the Amount stated in each such  
 ‘ Certificate to have been so advanced should be repaid by Five  
 ‘ equal Instalments, the First thereof to be made on the First  
 ‘ Day of *November* One thousand eight hundred and thirty-four,  
 ‘ and One of the Four remaining Instalments on the First Day of  
 ‘ *November* in each of the succeeding Four Years, in the Manner  
 ‘ and subject to the Conditions recited in the said Act: And  
 ‘ whereas under the Powers contained in the said Act Advances  
 ‘ to a large Amount have been made to Parties entitled to Tithes  
 ‘ arising out of Lands in *Ireland*, for the said Years One thousand  
 ‘ eight hundred and thirty-one, One thousand eight hundred and  
 ‘ thirty-two, and One thousand eight hundred and thirty-three:  
 ‘ And whereas it may be expedient not to enforce immediate  
 ‘ Payment, from the Parties to whom such Advances have been  
 ‘ made, of the several Instalments which became due from them  
 ‘ on the First Day of *November* One thousand eight hundred and  
 ‘ thirty-four, and which will become due on the First Day of  
 ‘ *November* One thousand eight hundred and thirty-five; be it  
 ‘ therefore enacted by the King’s most Excellent Majesty, by and  
 ‘ with the Advice and Consent of the Lords Spiritual and Tem-  
 ‘ poral, and Commons, in this present Parliament assembled, and  
 ‘ by the Authority of the same, That it shall be lawful for the  
 ‘ Lords Commissioners of His Majesty’s Treasury, if it shall seem  
 ‘ to them expedient so to do, to delay or suspend the Institution  
 ‘ or Prosecution of any Proceedings for Recovery or enforcing  
 ‘ Payment of any such Instalments as aforesaid until after the  
 ‘ Sixth Day of *April* One thousand eight hundred and thirty-six.

Lords of Treas-  
 ury may sus-  
 pend Proceed-  
 ings for Re-  
 covery of In-  
 stalments until  
 6th April 1836.

### C A P. LXXX.

An Act to apply a Sum of Money out of the Consolidated  
 Fund and the Surplus of Ways and Means to the Service  
 of the Year One thousand eight hundred and thirty-five,  
 and to appropriate the Supplies granted in this Session of  
 Parliament.  
 [10th *September* 1835.]

- § I. There shall be applied, for the Service of the Year 1835, £3,147,000  
 out of the Consolidated Fund.  
 II. The Treasury may cause £3,147,000 of Exchequer Bills to be made out  
 in manner prescribed by 48 G. 3. c. 1.  
 III. The Clauses, &c. in that Act extended to this Act.  
 IV. Exchequer Bills to bear Interest not exceeding 3½d. per Cent. per Diem;  
 V. Bank may advance £3,147,000 on the Credit of this Act.

VI. The

- § VI. The Treasury to cause Bills prepared by virtue of this Act to be delivered to the Bank as Security for Advances.
- VII. Money raised to be applied by the Treasury to Services voted in this Session.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. There shall be issued and applied, towards the Supply for 1835, £389,980 12s. 7d., being the Surplus of Ways and Means for any preceding Years.
- X. Monies coming into the Exchequer by *cc. 3. 9. & 12. ante.*—£15,000,000 by Exchequer Bills under *c. 4. ante.*—£13,521,550 by Exchequer Bills under *c. 44. ante.*—and also the said £3,147,000 and £389,980 12s. 7d. shall be applied as hereafter expressed.
- XI. There shall be issued and applied,
- |            |   |   |  |
|------------|---|---|--|
| £4,245,723 | 0 | 0 | For Naval Services, <i>viz.</i>  |
| 933,054    | 0 | 0 | For Wages of 26,500 Seamen and Marines, and to the Ordinary and Yard Craft -   |
| 339,825    | 0 | 0 | For their Victuals - -   |
| 108,844    | 0 | 0 | For Salaries, &c. of Officers, and contingent Expences of the Admiralty Office -   |
| 22,183     | 0 | 0 | For ditto of the Navy Pay Office - -   |
| 24,590     | 0 | 0 | For ditto of the Scientific Departments of the Navy -  |
| 819,103    | 0 | 0 | For Half Pay of Navy and Marines - -   |
| 522,695    | 0 | 0 | For Military Pensions -  |
| 219,625    | 0 | 0 | For Civil Pensions and Allowances - -  |
| 350,612    | 0 | 0 | For Wages of Artificers and Labourers and others in His Majesty's Naval Establishments at Home -                                     |
| 361,713    | 0 | 0 | For Naval Stores for building and repairing and Purchase of Ships, and Purchase of Steam Machinery, and repairing Docks, Wharfs, &c. |
| 19,518     | 0 | 0 | For Medicine and Medical Stores - -  |
| 26,548     | 0 | 0 | For Naval Miscellaneous Services - -   |
| 169,450    | 0 | 0 | For Charge of Transports, and Conveyance and Victualling of Troops, and Freight of Stores on account of Army and Ordnance -          |
| 98,550     | 0 | 0 | For conveying Convicts to <i>New South Wales</i> - -   |
| 118,547    | 0 | 0 | For Salaries, &c. of Officers, and contingent Expences of Naval Establishments at Home   |

To  
31st March 1836.

£22,661	0	0	For Salaries of Naval Establishments Abroad	-	-	} To 31st March 1836.
25,765	0	0	For Wages of Artificers, Labourers, and others in His Majesty's Naval Establishments Abroad	-	-	
62,440	0	0	For new Works and Improvements in Yards	-	-	
§ XII.	6,188,291	6	5	For Land Forces and other Services after mentioned, <i>viz.</i>		
	2,978,528	6	7	For Forces in the United Kingdom and Stations Abroad (except <i>India</i> )	-	} From 1st April 1835 to 31st March 1836.
	78,434	0	10	For Allowances to principal Officers of Public Departments in the United Kingdom, their Deputies and Clerks, and contingent Expenses	-	
	9,440	0	0	For the Military Asylum and <i>Hibernian</i> Military School	-	
	1,275,675	6	1	For <i>Chelsea</i> and <i>Kilmainham</i> Hospitals	-	
	109,558	16	0	For Volunteer Corps in <i>Great Britain</i>	-	
	118,111	4	6	For General Staff Officers and Officers of Hospitals in the United Kingdom and on Foreign Stations (except <i>India</i> ), and the Garrisons of the <i>Cinque Ports</i> and <i>Tower of London</i>	-	
	15,966	0	0	For Rewards for Military Services and Allowances to Garrison Officers in the United Kingdom and Foreign Stations	-	
	106,000	0	0	For Pay of General Officers not being Colonels of Regiments	-	
	78,000	0	0	For Full Pay for reduced and retired Officers	-	
	585,500	0	0	For Half Pay and Allowances to reduced and retired Officers	-	
	78,080	0	0	For Half Pay and reduced Allowances to Officers of disbanded Foreign Corps, Pensions to wounded Foreign Officers, and Allowances to Widows and Children of deceased Foreign Officers	-	
	148,929	0	0	For Pensions to Widows of Officers	-	

£159,000	0	0	For Compassionate List, Allowances of His Majesty's Bounty, and Pensions to wounded Officers	} From 1st April 1835 to 31st March 1836.
44,585	2	8	For Superannuations to Persons formerly belonging to Public Departments	
124,530	8	2	For the Commissariat Department	} To 31st March 1836
51,443	16	3	For Half Pay, Pensions, and Allowances in ditto	
7,648	0	0	For augmenting the Pay of General Officers	
218,861	3	4	For Disembodied Militia of the United Kingdom	
§ XIII. 1,296,059	0	0	For Ordnance Services for the Year 1835-6.	
71,198	0	0	For Salaries to the Master General, Officers, and Clerks at the <i>Tower, Pall Mall, and Dublin.</i>	
8,206	0	0	For Salaries to the Departments at <i>Woolwich.</i>	
14,881	0	0	For Salaries to the Ordnance Establishments at Home.	
27,983	0	0	For ditto Abroad and in <i>Ireland.</i>	
35,477	0	0	For ditto of Barrack Masters and Serjeants.	
4,459	0	0	For Master Gunners in <i>Great Britain, Guernsey, Jersey, and Ireland.</i>	
74,934	0	0	For the Engineers, Sappers, and Miners, and Establishment for their Instruction.	
275,445	0	0	For the Royal Artillery.	
35,962	0	0	For Horse Artillery and Riding House Troop for the United Kingdom.	
604	0	0	For Director General of Artillery and Field Train Department.	
10,040	0	0	For the Medical Establishment of the Military Department of the Ordnance.	
30,888	0	0	For Superintendence of Ordnance Works and Repairs in <i>Great Britain, Ireland, and the Colonies.</i>	
1,684	0	0	For Ordnance Works and Repairs, and Storekeepers Expenditure.	
28,216	0	0	For Superintendence of building and Repair of Barracks.	
68,203	0	0	For building and Repair of Barracks.	
64,011	0	0	For Barrack Masters Department.	
131,932	0	0	For Military, Civil, and Barrack Contingencies.	
65,000	0	0	For the Ordnance and Military Store Branch.	
20,000	0	0	For Stores for Foreign Works and Repairs for the Year 1836-7.	
1,600	0	0	For Ordnance Services not provided for in 1834-5.	
164,258	0	0	For Superannuations, retired Allowances, Pensions, &c., for 1835-6.	
161,083	0	0	For Bread, Meat, &c. for Troops in <i>Great Britain, and for Coals, &amp;c. to Stations in the Colonies.</i>	
XIV. 28,384,700	0	0	To pay off Exchequer Bills charged on the Aids of 1834 and 1835.	

§ XV.	£621,500	0	0	To pay off Exchequer Bills issued for Public Works, and for Relief of Persons who have sustained Losses in the <i>West Indies</i> .
XVI.	1,940	0	0	For the Civil Establishment of the <i>Bahama Islands</i> to the 31st <i>March</i> 1836.
	4,599	13	4	For ditto of <i>Bermuda</i> .
	3,120	0	0	For ditto of <i>Prince Edward's Island</i> .
	12,030	15	10	For ditto of Settlements in <i>Western Africa</i> .
	14,290	18	6	For Ecclesiastical Establishments in <i>North America</i> .
	7,417	1	8	For Settlement in <i>Western Australia</i> .
	20,000	0	0	For the <i>Indian Department</i> in <i>Canada</i> in 1835.
	963	0	10	For the Civil Government of <i>Heligoland</i> to 31st <i>March</i> 1836.
	9,600	0	0	For ditto of <i>Newfoundland</i> .
	6,685	11	6	For ditto of <i>Nova Scotia</i> .
	70,000	0	0	For Civil and Military Establishments at <i>St. Helena</i> , from 23d <i>April</i> 1835 to 31st <i>March</i> 1836.
XVII.	22,700	0	0	To Barristers for revising Lists of Voters.
	130,000	0	0	For Civil Contingencies to 31st <i>March</i> 1836.
	17,796	0	0	For the <i>British Museum</i> to <i>Christmas</i> 1835.
	41,200	0	0	For Public Buildings and Works, heretofore charged upon the Civil List.
	19,750	0	0	For Works, &c. at <i>Kingstown Harbour</i> to 31st <i>March</i> 1836.
	11,875	0	0	For ditto at <i>Portpatrick Harbour</i> .
	5,478	0	0	For <i>Holyhead</i> and <i>Liverpool Roads</i> and <i>Holyhead</i> and <i>Howth Harbours</i> .
	16,000	0	0	For new Buildings at the <i>British Museum</i> .
	12,000	0	0	For Expences of erecting a National Gallery.
	7,665	0	0	For Repairs at <i>Whitehall Chapel</i> .
	44,000	0	0	For temporary Accommodation of the Houses of Parliament.
	6,129	0	0	For Works at the new Post Office Station at <i>Hobbs Point</i> .
	50,700	0	0	For the Officers of the Houses of Parliament, and Pensions of retired Officers of the Two Houses, and for the Fee Funds, for 1835.
	22,400	0	0	For the Expences of the Houses of Parliament for 1835.
	36,500	0	0	For Deficiency of Fee Fund at the Treasury
	10,122	0	0	For ditto at the Home Office
	13,487	0	0	For ditto at the Foreign Office
	12,432	0	0	For ditto at the Colonial Office
	18,642	0	0	For ditto at the Privy Council Office
	6,000	0	0	For contingent Expences at the Treasury
	5,414	0	0	For ditto in the Home Department
	31,500	0	0	For ditto in the Foreign Department
	5,200	0	0	For ditto in the Colonial Department

To  
31st *March* 1836.

£4,150	0	0	For Deficiency of Fee Fund in the Privy Council	-	-	
22,092	0	0	For Salaries, &c. of Comptroller General of the Exchequer and Paymaster of Civil Services	-	-	
3,700	0	0	For Messengers and Officers at the Treasury and Exchequer	-	-	
2,006	0	0	For Professors in <i>Oxford</i> and <i>Cambridge</i>	-	-	To 31st <i>March</i> 1836.
2,000,000	0	0	For Supplies granted for 1834 or any preceding Year	-	-	
12,000	0	0	For Salaries and Expences of Insolvent Debtors Court	-	-	
1,461	0	0	For Superintendence of Aliens to			5th <i>April</i> 1836.
17,000	0	0	For the Penitentiary at <i>Milbank</i>	-	-	
4,094	0	0	For the State Paper Office and Office for the Custody of Records	-	-	To 31st <i>March</i> 1836.
5,150	0	0	For Commissioners of Municipal Corporations in 1835.			
10,200	0	0	For Commissioners of Criminal Law.			
2,700	0	0	For Commissioners of County Rates.			
42,841	0	0	For Commissioners of Poor Laws.			
14,000	0	0	For Commissioners for preventing			Traffic in Slaves.
95,966	0	0	For Salaries, &c. of Consuls, and of Superintendents of Trade at <i>Canton</i>	-	-	
6,112	0	0	For Salaries of Factory Inspectors under 3 & 4 <i>W. 4. c. 103.</i>	-	-	
66,218	0	0	For retired Allowances to Persons formerly in Public Offices or in the Public Service	-	-	To 31st <i>March</i> 1836.
11,500	0	0	For <i>Toulonese</i> and <i>Corsican</i> Emigrants, <i>Dutch</i> Naval Officers, <i>St. Domingo</i> Sufferers, <i>American</i> Loyalists, &c.	-	-	
1,850	0	0	For the Vaccine Establishment for 1835.			
3,000	0	0	For the Refuge for the Destitute, ditto.			
2,590	0	0	For confining and maintaining Criminal Lunatics	-	-	
4,800	0	0	For Protestant Dissenting Ministers, French Refugee Clergy and Laity, &c.	-	-	
36,800	0	0	For Foreign and other Secret Services	-	-	
191,756	0	0	For Stationery, &c. for Public Departments in the United Kingdom and the Colonies, and for Paper for printing for Parliament in 1836	-	-	To 31st <i>March</i> 1836.
3,000	0	0	For Expences of Gold Coinage	-	-	
8,000	0	0	For Prosecutions relating to the Coin	-	-	
8,000	0	0	For Law Charges	-	-	

£64,000	0	0	For Convicts at Home and in <i>Bermuda</i> - - -	} To 31st <i>March</i> 1836.
20,000	0	0	For Support of captured Ne- groes, &c. - - -	
147,306	0	0	For Convicts in <i>New South Wales</i> and <i>Van Diemen's Land</i> - - -	} To 31st <i>August</i> 1836.
10,000	0	0	For Expences of Record Commission to 1836.	
2,500	0	0	For Compensation to Sir <i>A. B. King</i> .	} To 31st <i>March</i> 1836.
4,000	0	0	For Parliamentary Fees on Turnpike Road Acts in 1835.	
20,000	0	0	For the Erection of Schoolhouses in <i>England</i> to 31st <i>March</i> 1836.	} To 31st <i>March</i> 1836.
1,000	0	0	For the Geographical Society.	
34,511	0	0	For Canal Communications in <i>Canada</i> - - -	} To 31st <i>March</i> 1836.
16,167	0	0	For Salaries to Governors, &c. in the <i>West India</i> Colonies - - -	
60,750	0	0	For Salaries of Special Justices under 3 & 4 <i>W. 4. c. 73.</i> - - -	} To 31st <i>March</i> 1836.
1,666	0	0	For Salaries of Agents for Emi- gration - - -	
58,000	0	0	For Miscellaneous Charges for <i>Scotland</i> - - -	} To 31st <i>March</i> 1836.
34,100	0	0	For the Houses of Parliament, &c. for 1835.	
7,000	0	0	For Service of Plate and Outfit for Speaker of the House of Commons.	} To 31st <i>March</i> 1836.
4,875	0	0	For Commissioners for inquiring into Charities, for Half a Year from 31st <i>March</i> to 30th <i>September</i> 1834.	
6,000	0	0	For Commissioners of Excise Inquiry.	} To 31st <i>March</i> 1836.
3,200	0	0	For Maintenance, &c. of Criminal Lunatics for 1835.	
110,000	0	0	For Charges hitherto paid out of County Rates for 1835.	} To 31st <i>March</i> 1836.
113,000	0	0	For Compensation for Losses by Act of the <i>Danish</i> Government in 1807.	
68,031	13	10	For Compensation for Losses by Fire of the Custom House, <i>Dublin</i> .	} To 31st <i>March</i> 1836.
6,000	0	0	For <i>Egyptian</i> Antiquities for the <i>British Museum</i> .	
22,500	0	0	For Barristers for revising Lists of Voters in 1835.	} To 31st <i>March</i> 1836.
10,000	0	0	For the distressed <i>Poles</i> in this Country.	
10,000	0	0	For erecting Model Schools to 31st <i>March</i> 1836.	} To 31st <i>March</i> 1836.
25,000	0	0	For educating, &c. the emancipated Negro Population in 1835.	
8,250	0	0	For Salaries, &c. of Special Justices in the Colonies.	} To 31st <i>March</i> 1836.
§ XVIII. 9,000	0	0	For the Foundling Hospital in <i>Dublin</i> - - -	
20,000	0	0	For the House of Industry in <i>Dublin</i> , the Lunatic Depart- ment and Hospitals attached - - -	} To 31st <i>March</i> 1836.
200	0	0	For the <i>Hibernian</i> Marine Society	
1,000	0	0	For the Female Orphan House in <i>Dublin</i> - - -	} To 31st <i>March</i> 1836.
2,500	0	0	For the <i>Westmorland</i> Lock Hos- pital - - -	



	£1,000	0	0	For the Lying-in-Hospital	-	} To 31st March 1836.
	1,500	0	0	For Dr. <i>Steven's</i> Hospital	-	
	3,800	0	0	For the Fever Hospital and House of Recovery, <i>Dublin</i>	-	
	500	0	0	For the Hospital for Incurables	-	
	5,300	0	0	For the Royal <i>Dublin</i> Society	-	
	300	0	0	For the Royal <i>Irish</i> Academy	-	
	300	0	0	For the Royal <i>Hibernian</i> Academy	-	
	1,500	0	0	For the Royal <i>Belfast</i> Academical Institution	-	
	35,000	0	0	For the Advancement of Educa- tion in <i>Ireland</i>	-	
	8,928	0	0	For Roman Catholic College	-	
§ XIX.	700	0	0	For Board of Charitable Bequests in <i>Ireland</i>	-	
	22,423	0	0	For Secretaries to Lord Lieu- tenant, of the Privy Council Office, and Printing for Public Offices in <i>Ireland</i>	-	
	12,696	0	0	For Household of the Lord Lieu- tenant and other Officers, for- merly charged on the Civil List	-	
	6,897	0	0	For the Offices of Vice Treasurer and Teller of the Exchequer	-	
	4,100	0	0	For publishing Proclamations and Statutes	-	
	25,400	0	0	For Dissenting Ministers	-	
	45,000	0	0	For Criminal Prosecutions	-	
	16,000	0	0	For the <i>Dublin</i> Police	-	
	3,358	0	0	For Public Works	-	
	7,000	0	0	For Townland Survey of <i>Ireland</i>	-	
	12,900	0	0	For Board of Works for 1835.	-	

XX. Supplies to be applied only for the Purposes aforesaid.

XXI. Rules to be observed in the Application of the Sum appropriated to Half Pay. This Act not to prevent receiving Half Pay under any Act relating to the General or Local Militia, the Yeomanry, or Volunteers.

XXII. 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.

XXIII. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXIV. Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required by 4 & 5 *W. 4. c. 84.*, indemnified.

XXV. Half Pay allowed to the Officers of the *Manx* Fencibles.

XXVI. Half Pay Allowances to Chaplains of Regiments not being in Possession of Ecclesiastical Benefices derived from the Crown.

XXVII. The Surplus of the Sum appropriated for Half Pay by 4 & 5 *W. 4. c. 84.* authorized to be disposed of to maimed or meritorious Officers, or their Widows or Children, as His Majesty shall direct.

XXVIII. Widows and Persons claiming Pensions or Allowances to take the required Oath. By whom such Oath is to be administered.

## C A P. LXXXI.

An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. [10th September 1835.]

36 G. s. (1.)

52 G. 3. c. 143.

‘ WHEREAS by an Act made and passed in the Parliament of Ireland in the Thirty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act to further explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled 'An Act for establishing a Post Office within this Kingdom,' and to explain and amend an Act passed in the Twenty-eighth Year of His present Majesty's Reign, intituled 'An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled "An Act for establishing a Post Office within this Kingdom,"*’ and by an Act made and passed in the Fifty-second Year of the Reign of His said Majesty King George the Third, intituled *An Act for amending and reducing into One Act the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting His Majesty's Revenue in Great Britain, it is amongst other Things enacted, that if any Person whatsoever employed by or under the Post Office of Great Britain, receiving, stamping, sorting, charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the said Office, shall secrete, enbezzele, or destroy any Letter or Packet, or Bag or Mail of Letters, with which he or she shall have been entrusted in consequence of such Employment, or which shall in any other Manner have come to his or her Hands or Possession whilst so employed, containing the Whole or any Part or Parts of any Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, South Sea or East India Bond, Dividend Warrant, either of the Bank, South Sea, East India, or any other Company, Society, or Corporation, Navy or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment on any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Dividends or for selling Stock in the Funds or belonging to any Company, Society, or Corporation, American Provincial Bill of Credit, Goldsmith's or Banker's Letter of Credit or Note for or relating to the Payment of Money, or other Bond or Warrant, Draft, Bill, or Promissory Note whatsoever for the Payment of Money, or shall steal and take out of any Letter or Packet with which he or she shall have been so entrusted, or which shall have come to his or her Hands or Possession, the Whole or any Part or Parts of any such Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, South Sea or East India Bond, Dividend Warrant, either of the Bank, South Sea, East India, or other Company, Society, or Corporation, Naval or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment of any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Dividends or for selling Stocks in the Funds belonging to any Company, Society, or Corporation,*

' Corporation, *American* Provincial Bill of Credit, Goldsmith's or  
 ' Banker's Letter of Credit or Note for or relating to the Pay-  
 ' ment of Money, or other Bond or Warrant, Draft, Bill, or Pro-  
 ' missory Note whatsoever for the Payment of Money, every  
 ' Person so offending, being thereof convicted, shall be adjudged  
 ' guilty of Felony, and shall suffer Death as a Felon, without  
 ' Benefit of Clergy: And whereas in and by the said recited Act  
 ' it is further enacted, that if any Person shall steal and take from  
 ' any Carriage, or from the Possession of any Person employed  
 ' to convey Letters sent by the Post of *Great Britain*, or from or  
 ' out of any Post Office, or House or Place for the Receipt or  
 ' Delivery of Letters or Packets, or Bags or Mails of Letters  
 ' sent or to be sent by such Post, any Letter or Packet, or Bag  
 ' or Mail of Letters sent or to be sent by such Post, or shall  
 ' steal and take any Letter or Packet out of any such Bag or  
 ' Mail, every Person so offending, and being thereof convicted,  
 ' shall be adjudged guilty of Felony, and shall suffer Death as a  
 ' Felon, without Benefit of Clergy: And whereas in and by the  
 ' said recited Act it is further enacted, that if any Person shall  
 ' counsel, command, hire, persuade, procure, aid, or abet any  
 ' such Deputy, Clerk, Agent, Letter Carrier, Post Boy or Rider,  
 ' or any Officer or Person whatsoever employed by or under the  
 ' said Office, in receiving, stamping, sorting, charging, carrying,  
 ' conveying, or delivering Letters or Packets, or in any other  
 ' Business relating to the said Office, to commit any of the Of-  
 ' fences in the said recited Act, and herein-before mentioned, or  
 ' shall, with a fraudulent Intention, buy or receive the Whole or  
 ' any Part or Parts of any such Security or Instrument as in  
 ' the said recited Act and herein-before described, which shall  
 ' have been contained in, and which at the Time of buying or  
 ' receiving thereof he or she shall know to have been contained  
 ' in any such Letter or Packet so secreted, embezzled, stolen,  
 ' or taken by any Deputy, Clerk, Agent, Letter Carrier, Post  
 ' Boy, or Rider, or any other Officer or Person so employed as  
 ' aforesaid, or which such Person so buying or receiving as  
 ' aforesaid shall at the Time of buying or receiving thereof know  
 ' to have been contained in and stolen and taken out of any  
 ' Letter or Packet stolen and taken from or out of any Mail or  
 ' Bag of Letters sent and conveyed by such Post, or from or out  
 ' of any Post Office, or House or Place for the Receipt or Deli-  
 ' very of Letters or Packets, or Bags or Mails of Letters sent or  
 ' to be sent by such Post, every Person so offending, and being  
 ' thereof convicted, shall be adjudged guilty of Felony, and  
 ' suffer Death as a Felon, without Benefit of Clergy, and should  
 ' and might be tried, convicted, and attainted of such Felony as  
 ' well before as after the Trial or Conviction of the principal  
 ' Felon, and whether the said principal Felon should have been  
 ' apprehended, or should be amenable to Justice, or not: And  
 ' whereas by an Act passed in the Seventh and Eighth Years of  
 ' the Reign of King *George* the Fourth, intituled *An Act for con-*  
 ' *solidating and amending the Laws in England relative to Larceny*  
 ' *and other Offences connected therewith*, and by another Act made  
 ' and passed in the Ninth Year of His said Majesty's Reign,  
 ' intituled *An Act for consolidating and amending the Laws in*  
 ' Ireland

7 &amp; 8 G. 4. c. 29.

9 G. 1. c. 55.

‘ Ireland *relative to Larceny and other Offences connected therewith*,  
 ‘ it is amongst other Things enacted, that if any Person shall  
 ‘ break and enter any Church or Chapel, and steal therein any  
 ‘ Chattel, or having stolen any Chattel in any Church or Chapel  
 ‘ shall break out of the same, every such Offender, being con-  
 ‘ victed thereof, shall suffer Death as a Felon: And whereas it  
 ‘ is expedient that a lesser Punishment than that of Death should  
 ‘ be provided for the Punishment of the Offenders convicted of  
 ‘ any of the Offences so specified in the said Act of the Fifty-  
 ‘ second Year of the Reign of His late Majesty King *George the*  
 ‘ *Third*, and in the said Act of the Seventh and Eighth Years of  
 ‘ the Reign of King *George the Fourth*:’ Be it therefore enacted  
 by the King’s most Excellent Majesty, by and with the Advice  
 and Consent of the Lords Spiritual and Temporal, and Commons,  
 in this present Parliament assembled, and by the Authority of the  
 same, That so much of each of the said Acts as inflicts the  
 Punishment of Death upon Persons convicted of any of the Of-  
 fences therein and herein-before specified shall be and the same  
 is hereby repealed, and that from and after the passing of this  
 Act every Person convicted of any of the Offences in the said  
 Act so specified, or of aiding or abetting, counselling or pro-  
 curing the Commission thereof, shall be liable to be transported  
 beyond the Seas for Life, or for any Term not less than Seven  
 Years, or to be imprisoned, with or without hard Labour, in the  
 Common Gaol or House of Correction for any Term not exceed-  
 ing Four Years.

So much of the  
 recited Acts as  
 inflicts the  
 Punishment of  
 Death for  
 Letter Stealing  
 and Sacrilege  
 repealed, and  
 Transportation  
 substituted.

### C A P. LXXXII.

An Act to abolish certain Offices connected with Fines and Recoveries and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of certain Offices in the Superior Courts of Common Law in *England*.

[10th September 1835.]

3 & 4 W. 4. c. 74.

‘ **W**HEREAS by an Act passed in the Third and Fourth Years  
 ‘ of the Reign of His present Majesty, intituled *An Act for*  
 ‘ *the Abolition of Fines and Recoveries, and for the Substitution of*  
 ‘ *more simple Modes of Assurance*, it is enacted, that after the  
 ‘ Thirty-first Day of *December* One thousand eight hundred and  
 ‘ thirty-three no Fine shall be levied or Common Recovery suf-  
 ‘ fered of Lands of any Tenure, and that every Fine or Common  
 ‘ Recovery levied or suffered contrary to the Provision of that  
 ‘ Act shall be absolutely void, save and except in Cases where  
 ‘ a Writ of *Dedimus* or other Writ in the regular Proceedings of  
 ‘ such Fine or Recovery shall have been sued out on or before  
 ‘ the said Thirty-first Day of *December* One thousand eight hun-  
 ‘ dred and thirty-three: And whereas by the Operation of the  
 ‘ said Act the Business of certain Offices in the Court of Com-  
 ‘ mon Pleas and of the Alienation Office has almost wholly  
 ‘ ceased; and it is expedient that the said Offices should be  
 ‘ abolished, and the few Duties remaining to be performed trans-  
 ‘ ferred to some other Officer:’ Be it therefore enacted by the  
 King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this

this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-five the several Offices in His Majesty's Court of Common Pleas hereafter mentioned, namely, of the Chirographer, and the Secondary Register and Clerks of Counties in the Office of the Chirographer, of the Clerk of the King's Silver, and of the Clerk of the Return Office and of the Inrolment of Writs for Fines and Recoveries, and also the several Offices in the Alienation Office, consisting of Two Commissioners, a Receiver General, Two Entering Clerks, a Master in Chancery appointed for taking Affidavits, and an Office Keeper, shall be and the same are hereby abolished.

Certain Offices  
abolished.

II. And be it further enacted, That the several Records, Books, and other Documents of and concerning the Duties and Business of the said Offices so abolished as aforesaid shall on or before the said Thirty-first Day of *December* be delivered by the several Officers or Persons now having Custody of the same into the Hands and Possession of the Officer of the Court of Common Pleas at *Westminster* for the Time being appointed or to be appointed by the Lord Chief Justice of the Court of Common Pleas, for the Purpose of examining, filing, and recording all Certificates of the taking of Acknowledgments by Married Women of Deeds under the Provisions of the said in part recited Act, to be by him kept and preserved; subject nevertheless to such Rules, Orders, and Regulations as the Court of Common Pleas shall or may from Time to Time make or ordain in respect of the same.

Records, &c.  
transferred to  
the Registrar in  
London under  
3 & 4 W. 4. c. 74.  
subject to  
Orders of the  
Court of Com-  
mon Pleas.

III. And be it further enacted, That from and after the said Thirty-first Day of *December*, in all such Cases where Parties intending to levy a Fine or suffer a Common Recovery shall on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three have sued out a Writ of *Dedimus* or any other Writ in the regular Proceedings of such Fine or Recovery, the Proceedings, Matters, and Things usually done, performed, filed, or recorded by the Officers whose Offices are hereby abolished, or any of them, which are by Law required or needful to be done, performed, filed, or recorded in respect of every such Fine or Recovery, shall be done, performed, filed, or recorded by the said Officer of the Court of Common Pleas for the Time being appointed or to be appointed for examining, filing, and recording the before-mentioned Certificates; and the Proceedings, Matters, and Things in all such Fines and Recoveries so done, performed, filed, or recorded by the said Officer of the Court of Common Pleas shall from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-five be as full and effectual to all Intents and Purposes in Law and Equity as if the said Proceedings, Matters, and Things had been done, performed, filed, and recorded by the Officers whose Offices are hereby abolished; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that the said Officer of the Court of Common Pleas for the Time being in the Performance and Execution of the Duties and Business hereby transferred to him shall be subject to all the Enactments and Pro-

Business of  
abolished Offices  
transferred to  
the Registrar  
under 3 & 4  
W. 4. c. 74.

visions

visions now in force by virtue of any Statute or Statutes, and to all the Rules, Orders, and Regulations of the Court of Common Pleas now in force or which may hereafter be made relating to all such Fines and Recoveries, where the Writ of Dedimus or other Writ in the regular Proceedings of such Fines and Recoveries shall have been sued out on or before the said Thirty-first Day of *December* One thousand eight hundred and thirty-three.

Searches may be made and Copies taken, which shall be as available as heretofore.

IV. And be it further enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and thirty-five Searches may be made, and Copies or Extracts of and from the said Records, Books, and Documents shall and may be had and taken, at such Times and in such Manner as hath been the accustomed Practice in the Offices hereby abolished; and all such Copies or Extracts, signed and authenticated by the said Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, shall be as available in Evidence, and as valid and effectual, to all Intents and Purposes, as the same would by Law have been if the same had been signed, authenticated, and given by the Officers whose Offices are hereby abolished, or any of them.

Fines heretofore paid in the Alienation Office to be paid to Registrar under 3 & 4 W. 4. c. 74. and accounted for by him.

V. And be it further enacted, That from and after the said Thirty-first Day of *December* any Fine or Fines usually called Pre Fines and Post Fines, now payable on Alienation of Lands or other Hereditaments to the Receiver General of Alienation Fines, in Cases where the Writ of Dedimus or any other Writ in the regular Proceedings of levying a Fine or suffering a Common Recovery shall have been issued on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three shall be assessed by and paid to the Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, in like Manner as the same is or are now paid and payable to the said Receiver General of Alienation Fines; and the said Officer of the Court of Common Pleas for the Time being is hereby required to keep a true and full Account of every Pre and Post Fine received by him, and to account for such Fines to the Lord High Treasurer or Commissioners of His Majesty's Treasury at such Times and in such Manner as he or they may direct.

Same Fees as heretofore to be received and accounted for, and Treasury to affix Remuneration of Registrar for performing the Duties imposed upon him.

VI. And be it further enacted, That it shall be lawful for such Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, from and after the Thirty-first Day of *December*, to demand and receive the same Fees and Emoluments for all Proceedings, Matters, and Things done performed, filed, or recorded by him as the several Officers whose Offices are hereby abolished have been accustomed to demand and receive; and the said Officer of the Court of Common Pleas for the Time being is hereby required to account for all such Fees and Emoluments received by him to the said Lord High Treasurer or Commissioners of His Majesty's Treasury at such Times and in such Manner as he or they may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow such Officer of the Court of Common Pleas for the Time being

such Remuneration for the Performance of the Duties imposed upon him by this Act as he or they shall think reasonable and proper.

VII. ' And whereas by the Operation of the said in part recited Act for the Abolition of Fines and Recoveries several Lords of Liberties and other Persons in *England* and *Wales*, who are lawfully entitled to receive certain Sums or Fines, or Parts of Fines, payable on the Alienation of Land and other Hereditaments by Fine or Recovery, have been and will be wholly deprived thereof, and it is reasonable and fit that Compensation should be made to the said Persons for such Losses; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under their Hands to order and direct that from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-three such annual or other Compensation as in his or their Discretion shall seem just and reasonable shall be made to all and every the Lords of Liberties, Lessees or Grantees under the Crown, Bodies Corporate and Politic and other Persons who at the Time of the passing of the said Act were lawfully entitled to Fines or Parts of Fines payable on Alienation of Land and other Hereditaments in *England* or *Wales* as aforesaid, for any Loss which they have and will respectively sustain by reason of the Abolition of such Fines; and all such Compensations, whether annual or in gross, shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

VIII. ' And whereas the Receiver General of Alienation Fines, prior to the Commencement of the Year One thousand eight hundred and thirty-four, paid to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his Deputy, the Sum of Two thousand Pounds *per Annum* out of the Monies received for Fines at the Alienation Office upon Writs of Covenant and Writs of Entry, towards defraying the Salaries, Allowances, and other Payments charged upon the said Keeper or Clerk of the Hanaper by Acts of Parliament and other Authorities: And whereas in consequence of the Abolition of Fines and Recoveries the said Receiver General has not been enabled to pay the said Sum since the Commencement of the Year One thousand eight hundred and thirty-four, and it is necessary that Provision should be made for charging it upon the Consolidated Fund; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, if he or they shall think proper, to direct a Sum not exceeding Two thousand Pounds *per Annum* to be charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to be issued and paid and payable to

Compensation to Lords of Liberties, &c. for Loss of Fines.

The Sum of 2,000*l.* heretofore paid by Receiver of Alienation Fines to the Hanaper to be paid out of the Consolidated Fund.

to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his Deputy, at such Times and in such Portions as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury may direct, to enable the said Keeper or Clerk of the Hanaper, or his Deputy, to provide for and discharge the Salaries, Allowances, and other Payments charged upon and payable in the said Office of the Hanaper, the first Payment of Two thousand Pounds *per Annum*, or such Part thereof as may be required, to be reckoned and be payable from the First Day of *January* One thousand eight hundred and thirty-four.

Compensation for Loss of Emoluments to Acting Cursitors of the Court of Chancery to be paid out of the Consolidated Fund.

IX. ' And whereas by the Operation of this Act the Emoluments of the Acting Cursitors of the Court of Chancery will be entirely taken away, and it is reasonable and fit that Compensation should be made to the Persons now holding those Situations, for the Loss thereof;' be it therefore enacted, That it shall and may be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury for the Time being, by Warrant under his or their Hands, to order and direct that such annual or other Compensation as to him or them, in their Discretion, shall seem just and reasonable, shall be made to the Persons now performing the Duties of Acting Cursitors of the Court of Chancery, for any Loss of Emoluments arising from such Employment which they may respectively sustain by reason of the Abolition of the Offices of the Cursitors of the said Court by the Provisions of this Act, and such Compensations, whether annual or in gross, shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that an Account of such Compensations shall within Fourteen Days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

Cursitors of the Court of Chancery abolished from and after 31st December 1835, and Duties transferred to Petty Bag Office. 2 W. 4. c. 39. 3 & 4 W. 4. c. 74.

X. ' And whereas by the Operation of an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster*, and of another Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, the Business of the Cursitors of the High Court of Chancery has been greatly diminished, and it is expedient that their Offices should be abolished, and the few remaining Duties transferred to some other Officer belonging to the said Court;' be it therefore enacted, That from and after the said Thirty-first Day of *December* the Offices of the Cursitors of the said High Court of Chancery shall utterly cease and determine, and all and every the Duties of the said Cursitors shall be performed by the Clerks of the Petty Bag Office in the said Court for the Time being, and all the Acts to be done by the said Clerks of the Petty Bag Office in the Performance of the Duties of the said Cursitors, from and after the said Thirty-first Day of *December*, shall, in all respects, and to all Intents and Purposes, have the same Force and Effect



as if the same had been done and performed by the said Cur-  
sitors or by their Deputies.

XI. And be it further enacted, That the several Records,  
Books, and other Documents of and concerning the Duties and  
Business of the Offices of the said Cursitors shall, on or before  
the said Thirty-first Day of *December*, be delivered by the said  
Cursitors or their Deputies into the Hands and Possession of the  
said Clerks of the Petty Bag Office, to be by them kept and  
preserved for the same Uses and Purposes as the said Records,  
Books, and other Documents have been heretofore kept and  
preserved in the Office of the said Cursitors.

Records, &c. of  
the Cursitors  
transferred to  
the Clerks of  
the Petty Bag  
Office.

XII. And be it further enacted, That it shall be lawful for  
the said Clerks of the Petty Bag Office for the Time being, from  
and after the said Thirty-first Day of *December*, to demand and  
receive the same Fees for all Acts, Matters, and Things done,  
performed, and executed by them as the several Cursitors whose  
Offices are hereby abolished have been accustomed to demand  
and receive; and the said Clerks of the Petty Bag Office for the  
Time being are hereby required to account for all such Fees  
received by them to the said Lord High Treasurer or Commis-  
sioners of His Majesty's Treasury, at such Times and in such  
Manner as he or they may direct; and the said Lord High  
Treasurer or Commissioners of His Majesty's Treasury is and are  
hereby authorized and empowered to allow the Clerks of the  
Petty Bag Office for the Time being such Remuneration for the  
Performance of the Duties hereby imposed upon them as he or  
they shall think reasonable and proper.

Clerks of the  
Petty Bag  
Office to receive  
the same Fees  
as the Cursitors  
for all Acts  
done by them.

### C A P. LXXXIII.

An Act to amend the Law touching Letters Patent for  
Inventions. [10th September 1835.]

‘ **W**HEREAS it is expedient to make certain Additions to  
‘ and Alterations in the present Law touching Letters  
‘ Patent for Inventions, as well for the better protecting of Pa-  
‘ tentees in the Rights intended to be secured by such Letters  
‘ Patent, as for the more ample Benefit of the Public from the  
‘ same: Be it enacted by the King's most Excellent Majesty,  
by and with the Advice and Consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the Authority of the same, That any Person who, as  
Grantee, Assignee, or otherwise, hath obtained or who shall here-  
after obtain Letters Patent, for the sole making, exercising,  
vending, or using of any Invention, may, if he think fit, enter  
with the Clerk of the Patents of *England, Scotland, or Ireland*,  
respectively, as the Case may be, having first obtained the Leave  
of His Majesty's Attorney General or Solicitor General in case  
of an *English* Patent, of the Lord Advocate or Solicitor General  
of *Scotland* in the Case of a *Scotch* Patent, or of His Majesty's  
Attorney General or Solicitor General for *Ireland* in the Case of  
an *Irish* Patent, certified by his Fiat and Signature, a Disclaimer  
of any Part of either the Title of the Invention or of the Speci-  
fication, stating the Reason for such Disclaimer, or may, with  
such Leave as aforesaid, enter a Memorandum of any Alteration  
in

Any Person  
having obtained  
Letters Patent  
for any Inven-  
tion may enter  
a Disclaimer  
of any Part of  
his Specification,  
or a Memoran-  
dum of any  
Alteration  
therein, which,  
when filed, to be  
deemed Part  
of such Speci-  
fication.

Caveat may be entered as heretofore.

Disclaimer not to affect Actions pending at the Time.

Attorney General may require the Party to advertise his Disclaimer.

Mode of proceeding where Patentee is proved not to be the real Inventor, though he believed himself to be so.

in the said Title or Specification, not being such Disclaimer or such Alteration as shall extend the exclusive Right granted by the said Letters Patent; and such Disclaimer or Memorandum of Alteration, being filed by the said Clerk of the Patents, and enrolled with the Specification, shall be deemed and taken to be Part of such Letters Patent or such Specification in all Courts whatever: Provided always, that any Person may enter a Caveat, in like Manner as Caveats are now used to be entered, against such Disclaimer or Alteration; which Caveat being so entered shall give the Party entering the same a Right to have Notice of the Application being heard by the Attorney General or Solicitor General or Lord Advocate respectively: Provided also, that no such Disclaimer or Alteration shall be receivable in Evidence in any Action or Suit (save and except in any Proceeding by Scire facias) pending at the Time when such Disclaimer or Alteration was enrolled, but in every such Action or Suit the original Title and Specification alone shall be given in Evidence, and deemed and taken to be the Title and Specification of the Invention for which the Letters Patent have been or shall have been granted: Provided also, that it shall be lawful for the Attorney General or Solicitor General or Lord Advocate, before granting such Fiat, to require the Party applying for the same to advertise his Disclaimer or Alteration in such Manner as to such Attorney General or Solicitor General or Lord Advocate shall seem right, and shall, if he so require such Advertisement, certify in his Fiat that the same has been duly made.

II. And be it enacted, That if in any Suit or Action it shall be proved or specially found by the Verdict of a Jury that any Person who shall have obtained Letters Patent for any Invention or supposed Invention was not the first Inventor thereof, or of some Part thereof, by reason of some other Person or Persons having invented or used the same, or some Part thereof, before the Date of such Letters Patent, or if such Patentee or his Assigns shall discover that some other Person had, unknown to such Patentee, invented or used the same, or some Part thereof, before the Date of such Letters Patent, it shall and may be lawful for such Patentee or his Assigns to petition His Majesty in Council to confirm the said Letters Patent or to grant new Letters Patent, the Matter of which Petition shall be heard before the Judicial Committee of the Privy Council; and such Committee, upon examining the said Matter, and being satisfied that such Patentee believed himself to be the first and original Inventor, and being satisfied that such Invention or Part thereof had not been publicly and generally used before the Date of such first Letters Patent, may report to His Majesty their Opinion that the Prayer of such Petition ought to be complied with, whereupon His Majesty may, if He think fit, grant such Prayer; and the said Letters Patent shall be available in Law and Equity to give to such Petitioner the sole Right of using, making, and vending such Invention as against all Persons whatsoever, any Law, Usage, or Custom to the contrary thereof notwithstanding: Provided, that any Person opposing such Petition shall be entitled to be heard before the said Judicial Committee: Provided also, that any Person, Party to any former Suit or Action touching such

such first Letters Patent, shall be entitled to have Notice of such Petition before presenting the same.

III. And be it enacted, That if any Action at Law or any Suit in Equity for an Account shall be brought in respect of any alleged Infringement of such Letters Patent heretofore or hereafter granted, or any Scire facias to repeal such Letters Patent, and if a Verdict shall pass for the Patentee or his Assigns, or if a final Decree or decretal Order shall be made for him or them, upon the Merits of the Suit, it shall be lawful for the Judge before whom such Action shall be tried to certify on the Record, or the Judge who shall make such Decree or Order to give a Certificate under his Hand, that the Validity of the Patent came in question before him, which Record or Certificate being given in Evidence in any other Suit or Action whatever touching such Patent, if a Verdict shall pass, or Decree or decretal Order be made, in favour of such Patentee or his Assigns, he or they shall receive Treble Costs in such Suit or Action, to be taxed at Three Times the taxed Costs, unless the Judge making such Second or other Decree or Order, or trying such Second or other Action, shall certify that he ought not to have such Treble Costs.

IV. And be it further enacted, That if any Person who now hath or shall hereafter obtain any Letters Patent as aforesaid shall advertise in the *London Gazette* Three Times, and in Three *London Papers*, and Three Times in some Country Paper published in the Town where or near to which he carried on any Manufacture of any Thing made according to his Specification, or near to or in which he resides in case he carried on no such Manufacture, or published in the County where he carries on such Manufacture or where he lives in case there shall not be any Paper published in such Town, that he intends to apply to His Majesty in Council for a Prolongation of his Term of sole using and vending his Invention, and shall petition His Majesty in Council to that Effect, it shall be lawful for any Person to enter a Caveat at the Council Office; and if His Majesty shall refer the Consideration of such Petition to the Judicial Committee of the Privy Council, and Notice shall first be by him given to any Person or Persons who shall have entered such Caveats, the Petitioner shall be heard by his Counsel and Witnesses to prove his Case, and the Persons entering Caveats shall likewise be heard by their Counsel and Witnesses; whereupon, and upon hearing and inquiring of the whole Matter, the Judicial Committee may report to His Majesty that a further Extension of the Term in the said Letters Patent should be granted, not exceeding Seven Years; and His Majesty is hereby authorized and empowered, if He shall think fit, to grant new Letters Patent for the said Invention for a Term not exceeding Seven Years after the Expiration of the first Term, any Law, Custom, or Usage to the contrary in anywise notwithstanding: Provided that no such Extension shall be granted if the Application by Petition shall not be made and prosecuted with Effect before the Expiration of the Term originally granted in such Letters Patent.

V. And be it enacted, That in any Action brought against any Person for infringing any Letters Patent the Defendant on pleading thereto shall give to the Plaintiff, and in any Scire facias to repeal

If in any Action or Suit a Verdict or Decree shall pass for the Patentee, the Judge may grant a Certificate, which shall entitle the Patentee, upon a Verdict in his Favour, to receive Treble Costs.

Mode of proceeding in case of Application for the Prolongation of the Term of a Patent.

In case of Action, &c. Notice of Objections to be given.

repeal such Letters Patent the Plaintiff shall file with his Declaration, a Notice of any Objections on which he means to rely at the Trial of such Action, and no Objection shall be allowed to be made in behalf of such Defendant or Plaintiff respectively at such Trial unless he prove the Objections stated in such Notice: Provided always, that it shall and may be lawful for any Judge at Chambers, on Summons served by such Defendant or Plaintiff on such Plaintiff or Defendant respectively to show Cause why he should not be allowed to offer other Objections whereof Notice shall not have been given as aforesaid, to give Leave to offer such Objections, on such Terms as to such Judge shall seem fit.

As to Costs in  
Actions for  
infringing Let-  
ters Patent.

VI. And be it enacted, That in any Action brought for infringing the Right granted by any Letters Patent, in taxing the Costs thereof Regard shall be had to the Part of such Case which has been proved at the Trial, which shall be certified by the Judge before whom the same shall be had, and the Costs of each Part of the Case shall be given according as either Party has succeeded or failed therein, Regard being had to the Notice of Objections, as well as the Counts in the Declaration, and without Regard to the general Result of the Trial.

Penalty for  
using, unautho-  
rized, the  
Name of a  
Patentee, &c.

VII. And be it enacted, That if any Person shall write, paint, or print, or mould, cast, or carve, or engrave or stamp, upon any Thing made, used, or sold by him, for the sole making or selling of which he hath not or shall not have obtained Letters Patent, the Name or any Imitation of the Name of any other Person who hath or shall have obtained Letters Patent for the sole making and vending of such Thing without Leave in Writing of such Patentee or his Assigns, or if any Person shall upon such Thing not having been purchased from the Patentee or some Person who purchased it from or under such Patentee, or not having had the Licence or Consent in Writing of such Patentee or his Assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the Word "Patent," the Words "Letters Patent," or the Words "By the King's Patent," or any Words of the like Kind, Meaning, or Import, with a view of imitating or counterfeiting the Stamp, Mark, or other Device of the Patentee, or shall in any other Manner imitate or counterfeit the Stamp or Mark or other Device of the Patentee, he shall for every such Offence be liable to a Penalty of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, Process, or Information in any of His Majesty's Courts of Record at *Westminster* or in *Ireland*, or in the Court of Session in *Scotland*, one Half to His Majesty, His Heirs and Successors, and the other to any Person who shall sue for the same: Provided always, that nothing herein contained shall be construed to extend to subject any Person to any Penalty in respect of stamping or in any way marking the Word "Patent" upon any Thing made, for the sole making or vending of which a Patent before obtained shall have expired.

## C A P. LXXXIV.

An Act to empower Grand Juries in *Ireland* to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays. [10th September 1835.]

WHEREAS it would tend to encourage the Fisheries of *Ireland*, as well as to facilitate the Export of Agricultural Produce and the Introduction of various Commodities into the Interior, if a sufficient Number of Piers and Quays were built upon the Banks of Navigable Lakes and Rivers in *Ireland*: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That when any Person shall be desirous of promoting the Erection of any Pier or Quay, or the repairing or enlarging of any existing Pier or Quay on the Bank of any Navigable River or Lake, or the making or repairing of any Road or Approach to any such Pier or Quay, in any County, County of a City, or County of a Town in *Ireland*, or to deepening or embanking of any such Lake or River, it shall and may be lawful for such Person to make Application, and for the Grand Jury of the said County, County of a City, or County of a Town to make Presentment, for such Purposes, in like Manner, and subject to all the Regulations and Provisions which are contained in the first Act of the Third and Fourth of *William* the Fourth, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*, respecting Public Works; and every such Application shall be proceeded on in every respect as if it were for a Public Work under the said recited Act of the Third and Fourth of *William* the Fourth: Provided always, that no Sum or Sums of Money shall be presented for the Erection of any Pier or Quay, or the making any Roads or Approaches thereunto, until the Person or Persons making Application by Presentment for such Work shall have first paid into the Hands of the Treasurer of the County, County of a City, or County of a Town in which the proposed Work is to be executed, a Sum equal to One Third Part of the whole estimated Expence of said Work, such Payment to be certified to the Grand Jury of such County, County of a City, or County of a Town, by the said Treasurer's Receipt, previous to their making any Presentment thereon, and such Grand Jury may then make a Presentment for the remaining Two Thirds of such estimated Expence: Provided always, that the Consent in Writing under the Hand and Seal of the Owner or Owners in Fee, or of the Person or Persons having a Lease of Lives renewable for ever, or a Term of Years not less than Ninety-nine being unexpired at the Time of making such Presentment of the Lands on which the said Work is to be constructed, shall have been lodged in the Office of the Treasurer of such County, County of a City, or County of a Town Six clear Days before the Assizes at which such Presentment is to be applied for: And provided always, that the whole Sum to be so presented for by the Grand Jury for any One Pier, Quay, Embankment, or other Work in this Act described shall not exceed the Sum of Three hundred Pounds Sterling, or for the repairing

Grand Jury may make a Presentment for erecting, repairing, or enlarging any Pier or Quay.

3 & 4 W. 4. c. 78.

Proviso, that One Third of the Estimate be first deposited with County Treasurer.

Consent of Owners, &c.

Limiting the Amount of Presentment for One Work to 300L.

of any Pier or Quay, or of the Roads or Approaches thereunto, or for deepening or embanking any River or Lake, exceeding in the whole the Sum of Three hundred Pounds Sterling.

Justices may  
grant Order  
for Repairs.

II. And be it enacted, That it shall and may be lawful for any Two Justices of the Peace in Petty Sessions assembled, in any County, County of a City, or County of a Town, under their Hands and Seals, to order any Sum not exceeding Ten Pounds to be expended in repairing any Pier or Quay now existing or to be built on the Bank of any Navigable River or Lake under the Provisions of this Act or of the first Act of the Third and Fourth of *William* the Fourth which may be suddenly damaged, in like Manner in all respects as they are empowered by the said recited Act of the Third and Fourth of *William* the Fourth to direct the Repairs of any Roads or Bridges which may be suddenly damaged.

Pier or Quay  
to become Pub-  
lic Property.

III. And be it enacted, That every Pier or Quay which shall be built or enlarged under the Provisions of this Act and of the said recited Act of the Third and Fourth of *William* the Fourth shall be deemed to become Public Property.

No Stamp Duty  
on Contracts.

IV. And be it enacted, That no Contract for the making, erecting, repairing, or enlarging any Public Work to be entered into by virtue of this Act, or of the said recited first Act of the Third and Fourth of *William* the Fourth, shall be liable to any Stamp Duty.

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

N. B.—*The Continuance of such of the following Acts as are temporary will be known (where it is not expressly stated) by referring to the following List, according to the corresponding Letter at the End of the Title.*

- (a) *For 31 Years, &c. [i. e. to the End of the next Session] from a Day named in the Act.*
- (b) *For 31 Years, &c. from the passing of the Act.*

*The following are all PUBLIC ACTS; to each of which is annexed a Clause in the Form following :*

“ And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.”

### Cap. i.

An Act for the Improvement of the High Street in the Borough of *Ledbury* in the County of *Hereford*. [13th April 1835.]

### Cap. ii.

An Act for making, maintaining, and repairing a Turnpike Road from the Town of *Belfast* to the Town of *Crumlin* in the County of *Antrim*. (b) [13th April 1835.]

[*One full Toll only to be taken on same Day for passing over the whole of the Road from Belfast to Crumlin, § 26. One full Toll only to be taken on same Day at same Gate, § 27. If Horses have passed through a Gate not drawing, and return drawing a Carriage, the Toll paid on the Horses to be deducted, § 31. Tolls to be paid on Carriages affixed to others, § 32. The King and Royal Family, Mails, Stones, Bricks, Lime, Timber, Gravel, Materials for Roads or Bridges running directly into or crossing the Road between the Gates at or near its extreme Ends situate at Crumlin and Belfast, and Manure (except Lime), Implements of Husbandry, Corn in the Straw or Potatoes not bought or sold, Corn in going to be ground at any of the Manor Mills or laid up or consumed in the Houses, &c. of the Owners and not for Sale, Horses in going to or returning*

returning from being shod or farried or to or from Work within the Parishes through which the Road shall pass, or going to or returning from Pasture or watering (if not passing more than Two Miles on the Road), or Horses, &c. crossing the Road only and not passing above 100 Yards thereon, or Horses, &c. going to or returning from Funerals of Persons dying and buried in the said Parishes, Officers or Soldiers on March or Duty, their Arms or Baggage, wounded, sick, or disabled Officers and Soldiers, Ordnance or public Stores, Yeomanry or Volunteer Cavalry or Infantry, Magistrates, Constables, &c. while on Duty, Vagrants and Prisoners sent by legal Warrants, and Persons going to or returning from Elections for the County exempted from Toll, § 44. Tolls paid on Waggon, &c. going empty for Road Materials, &c. to be repaid when returning laden, § 46. Toll not to be taken for Baskets, &c. being in Waggon, &c. laden with Manure, &c., § 47.]

Cap. iii.

An Act for more effectually repairing the Road from *Carmarthen* to *Newcastle Emllyn*, and several other Roads, and for making and maintaining new Lines of Road, all in the County of *Carmarthen*. (b) [13th April 1835.]

[5 G. 4. c. lxxxiv. repealed. Three full Tolls only to be taken for passing along the whole Line of Road, Two full Tolls only to be taken for passing from *Carmarthen* to *Newcastle*, and One full Toll only from *Carmarthen* to *Mydrim*, and Two full Tolls only from *Carmarthen* to *Rhyd Cowin*, on the *Star Road*, § 14. One Half Toll only to be taken for Turf, Peat, or Lime for Manure from March to September, both inclusive, § 15. Tolls to be paid but once a Day at same Gate, § 16. No more Money to be laid out on Branch Roads than is collected thereon, § 20.]

Cap. iv.

An Act to enable the *University Life Assurance Society* and their Successors to purchase Annuities upon or for Lives, and also to lend Money or Stock upon Mortgage for the Purpose of Investment. [13th April 1835.]

Cap. v.

An Act for better assessing and collecting the Poor and other Rates in the Parish of *Barking* in the County of *Essex*. [12th June 1835.]

Cap. vi.

An Act for better supplying with Water the Parish of *Ramsgate*, and the Neighbourhood thereof, in the County of *Kent*. [12th June 1835.]

[Saving the Rights of Commissioners of Sewers, &c. § 102.]

Cap. vii.

An Act to authorize the Sale to and Purchase by *John Lord Rolle* of the Rights of Persons claiming to have divers Rights on such Parts of *Great Torrington* and *Castle Hill Commons* in the



the County of *Devon* as now form Part of the Cut or Canal called the *Rolle Canal*. [12th June 1835.]

[*Reserving Rights of Way over the Towing Paths of the Canal from Town Bridge to Great Torrington Manor Mills, and across the Canal to a Piece of Great Torrington Common called Dewslade, § 9.*]

Cap. viii.

An Act for incorporating the *Warrington and Newton Railway* with the *Grand Junction Railway*, and for extending to the said first-mentioned Railway the Provisions of the several Acts of Parliament relating to the said last-mentioned Railway; and for other Purposes relating thereto. [12th June 1835.]

[10 G. 4. c. xxxvii. and 11 G. 4. c. lvii. repealed, § 1. Powers of 3 W. 4. c. xxxiv. and 4 W. 4. c. lv. extended to this Act, § 2. Saving the Rights of the *Sankey Canal and Liverpool and Manchester Railway Companies*, § 16.; and of the Right Honourable *Lord Lilford and the Rector of Winwick*, § 17.]

Cap. ix.

An Act to enable the *Grand Junction Railway Company* to alter the Line of such Railway, and to make Two Branches therefrom in the County of *Stafford*, and for other Purposes relating thereto. [12th June 1835.]

[Powers of 3 W. 4. c. xxxiv. and 4 W. 4. c. lv. (except as altered) extended to this Act, § 1. Saving the Rights of the *Birmingham Canal Company*, § 21.; and of the *London and Birmingham Railway Company*, § 24.]

Cap. x.

An Act for making a Railway from *Croydon* to join the *London and Greenwich Railway* near *London*. [12th June 1835.]

[Saving the Rights of the *Kent Water Works Company*, § 9.; and of the *Grand Surrey Canal Company*, § 13.; and of the *London and Greenwich Railway Company*, § 23.; and of the Commissioners, &c. under the *Penge Inclosure Act*, § 30.; and of the Commissioners of Sewers for *East Moulsey in Surrey to Ravensborne in Kent*, § 205.]

Cap. xi.

An Act to enlarge the Powers of the *New Pembrey Harbour Act*, to change the Name of the Harbour to that of *Burry Port*, and to enable the *Burry Port Company* to raise a further Sum of Money. [12th June 1835.]

[Powers of 6 G. 4. c. cxv. (except as altered) extended to this Act, § 1. Company empowered to raise a further Sum of £45,000 for Completion of the Harbour, § 3.]

Cap. xii.

An Act for constructing and maintaining a Harbour at *New Quay* in the County of *Cardigan*. [12th June 1835.]

[Ships and Vessels in His Majesty's Service, or in the Employ of the Ordnance, Customs, Excise, or Post Office, exempted from Rates, § 73. Saving the Rights of the *Trinity House*, § 104.]

## Cap. xiii.

An Act for making and maintaining a Pier and other Works at *Deptford* in the County of *Kent*. [12th June 1835.]

[*Soldiers and Sailors exempted from Toll*, § 88. *Vessels and Boats in His Majesty's Service, or in the Service of the Customs or Excise, the Ordnance or Post Office, exempted from Toll*, § 89. *Saving the Rights of the Trinity House*, § 124.; and of the Corporation of *London*, § 125.; and of *Commissioners of Sewers and Pavements*, § 126, 128.; and of the *Watermen's Company*, § 129.; and of *Trustees of Roads and Deptford Creech Bridge Company*, § 130.]

## Cap. xiv.

An Act to enable the Commissioner appointed under Two Acts for draining certain Lands situated on or near the River *Leven* in the Counties of *Kinross* and *Fife* to raise a further Sum of Money for the Purposes of the said Acts. [12th June 1835.]

[*Powers of 7 & 8 G. 4. c. cv. and 1 & 2 W. 4. c. x. (except as altered) extended to this Act*, § 1.]

## Cap. xv.

An Act to enlarge and regulate the Market now held in the Town of *Devonport* in the County of *Devon*, and to establish a Market within the said Town for Corn, Grain, and other Articles, and to regulate the Amount of Tolls to be paid within the said Markets. [12th June 1835.]

[*Saving the Rights of Sir John St. Aubyn and his Heirs*, § 30.; and of the *Commissioners of the Town of Devonport*, § 32.]

## Cap. xvi.

An Act for lighting with Gas the Town and Neighbourhood of *Llanelly* in the County of *Carmarthen*. [12th June 1835.]

## Cap. xvii.

An Act for building a new Parish Church in the Town of *Honiton* in the County of *Devon*. [12th June 1835.]

[*Saving the Rights of the Bishop of Exeter*, § 66.]

## Cap. xviii.

An Act for paving, cleansing, lighting, and regulating the several Parishes of *Saint Margaret*, *Saint John the Evangelist*, and *Saint James*, within the Liberty of *Westminster* in the County of *Middlesex*, and the Precinct of the *Savoy*, and also Part of the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, within the same County; and for other Purposes therein mentioned. [12th June 1835.]

[2 G. 3. c. 21. 3 G. 3. c. 23. 4 G. 3. c. 39. 5 G. 3. c. 50. 8 G. 3. c. 21. 11 G. 3. c. 22. 30 G. 3. c. 53. and 59 G. 3. c. xxiii. in part repealed, § 1. *Saving the Rights of Trustees of Turnpike Roads*, § 100.; and of *Water Companies*, § 101.; and of *Commissioners of Sewers for Holborn, Westminster, and Middlesex*, § 102, 104. *Not to affect certain new Streets, Golden Square, or Saint James's Square*, § 105.]

## Cap. xix.

An Act for repairing the Road from *Little Bowden* in the County of *Northampton* to *Rockingham* in the same County. (a)

[12th June 1835.]

[33 G. 3. c. 143. and 53 G. 3. c. iv. repealed, § 1. One full Toll only to be taken for passing and repassing on same Day through all the Gates between the Commencement of the Road at the Foot of *St. Mary's Bridge*, and the Termination thereof at the West Side of the Toll Bar, at the North End of the Town of *Rockingham*, § 8. Tolls to be paid but once a Day at same Gate, § 9. Money not to be expended in repairing Streets, § 13.]

## Cap. xx.

An Act for repairing the Road from *Farnborough* to *Riverhill* in the Parish of *Sevenoaks* in the County of *Kent*, and for making several Diversions in the said Road. (b)

[12th June 1835.]

[56 G. 3. c. xxxiv. repealed, § 1. Tolls to be paid but once on same Day for passing and repassing through all the Gates on the Road, § 8.]

## Cap. xxi.

An Act for making and maintaining a Road from *New Quay* in the County of *Cardigan* to *Aberayron* in the same County. (b)

[12th June 1835.]

[One full Toll only to be taken on same Day for passing and repassing once through all the Gates on the Road, § 13. Tolls to be paid but once a Day at same Gate, § 14.]

## Cap. xxii.

An Act for improving certain Roads within the County of *Hereford* communicating with the City of *Hereford*. (b)

[12th June 1835.]

[80 G. 3. c. lxxiii. and 59 G. 3. c. lx. repealed, § 1. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, § 20. Tolls not to be laid out in repairing Streets, § 32.]

## Cap. xxiii.

An Act to incorporate the *Avenue Road* in the Parish of *Saint Marylebone* with the *Marylebone* and *Finchley* Turnpike Roads in the County of *Middlesex*.

[12th June 1835.]

[7 G. 4. c. xc. recited, § 1. No Toll Gate to be placed on the *Avenue Road*, § 2. No more Money than is collected on *Branch Road* to be applied to *Branch* and *Avenue Road*, § 3. Act to commence from its passing and continue in force during the Term granted by recited Act, § 5.]

## Cap. xxiv.

An Act for making and maintaining a Turnpike Road from the Town of *Hurstperpoint* to the *Brighton* and *Cuckfield* Turnpike Road at or near *Ansty Cross* in the Parish of *Cuckfield*, all in the County of *Sussex*. (a)

[12th June 1835.]

[Double Toll to be taken for Timber, &c. Bricks, Tiles, Gun or other Iron, Chalk, Stone, Sand, or Gravel, between the 20th October and

*and 1st April, § 7. No Exemption for Chalk, Lime, &c. for Manure, § 8. Toll to be paid for Horses, &c. every Third Time of passing on same Day, § 9. Money not to be laid out in repairing Streets, &c., § 18.]*

*Cap. xxv.*

An Act for more effectually repairing the *Darlington* and *West Auckland* and the *Cockerton Bridge* and *Staindrop Roads* in the County of *Durham*, and for consolidating the Trusts thereof. (b) [12th June 1835.]

[33 G. S. c. 146. 35 G. S. c. 139. 54 G. S. c. xix. and 54 G. S. c. xxv. repealed, § 1. No Toll to be paid on repassing once on same Day, § 13. Lime for Manure exempted from Toll, § 14. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, and One full Toll only between *Boroughbridge* and the *Durham Turnpike Road* at the East End of *Bondgate* in *Darlington*, or the *Boroughbridge* and *Durham Road* at *Five Cross Lanes* near the *Angel Inn* and *Royal Oak*, and One full Toll only on the District which lies between the North Side of the *Stockton* and *Barnard Castle Road*, near the Village of *Piercebridge* and the *Royal Oak*, and One full Toll only between the *Royal Oak* and the Termination of the District at the *Red House* at *Etherley* and the *Greenfield Lane*, and One full Toll only between *Cockerton Bridge* and the Village of *Summerhouse*, and between *Summerhouse* and *Staindrop*, § 17. Money not to be applied in repairing Streets, &c. § 18.]

*Cap. xxvi.*

An Act for more effectually repairing the Road from the *Exeter Turnpike Road* to *Biddaford*, and certain Roads leading from *Bridgetown Pomeroy* and *Totnes*, and other Roads communicating therewith; and for repairing *Totnes Bridge*, and erecting Bridges over the *Stover Canal*, the Rivers *Teign* and *Lemon*, and the *Mill Leat*; all in the County of *Devon*. (a)

[12th June 1835.]

[5 G. 4. c. xii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 22. Four full Tolls only to be taken on same Day for passing through all the Gates on the Road, and One full Toll only on *Totnes Bridge* § 23. Lime for Manure exempted from Toll, § 24. No more Money to be laid out on Branch Roads than is collected thereon, § 27. Tolls not to be laid out in repairing Streets, § 29. Nor in repairing *Totnes Bridge*, § 35.]

*Cap. xxvii.*

An Act for repairing and improving the Roads in the Counties of *Northumberland* and *Durham* called the *Ford* and *Lowick Turnpikes*, and for making certain new Branches in the said Counties. (a) [12th June 1835.]

[32 G. 3. c. 145. and 53 G. 3. c. xci. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 16. Four full Tolls only to be taken on same Day for passing and repassing along the whole Line of Road, § 17. Tolls not to be laid out in repairing Streets, &c., § 32.]

## Cap. xxviii.

An Act for making Turnpike certain Highways between the Towns of *Nantwich* and *Congleton* in the County Palatine of *Chester*. (a) [12th June 1835.]

[*One full Toll only to be taken for passing and repassing on same Day once through all the Gates between Nantwich and Middlewich, and Two full Tolls only between Middlewich and Congleton, § 9. Toll to be paid for Horses on repassing if drawing a different Carriage, &c. and going Two Miles on the Road, § 10. Money not to be expended in repairing Streets, &c., § 18.*]

## Cap. xxix.

An Act for building a Bridge over the River *Exe* from the *Shilhay* at the City of *Exeter*, and for making Approaches thereto; and for removing the present Ferry across the said River, and establishing another Ferry or a Foot-bridge in lieu thereof. [17th June 1835.]

[*Saving the Rights of the Corporation of Exeter, § 62.*]

## Cap. xxx.

An Act to amend the Acts relating to the *Manchester, Bolton, and Bury* Canal Navigation and Railway, and to make a Branch Railway to *Bolton*. [17th June 1835.]

[*Powers of 1 & 2 W. 4. c. lx. and 2 & 3 W. 4. c. lxix. (except as altered) extended to this Act, § 1. Saving the Rights of the Mersey and Irwell Navigation Company, § 59.*]

## Cap. xxxi.

An Act to authorize the *Newcastle upon Tyne and Carlisle* Railway Company to make an additional Branch Railway or Tramroad; and for other Purposes connected with their Undertaking. [17th June 1835.]

[*Saving the Rights of the Commissioners appointed by 1 & 2 W. 4. c. 24., § 32. Saving of Tolls of the Corporation of Newcastle, § 33.*]

## Cap. xxxii.

An Act to amend an Act for improving the Navigation of the River *Cart*, and for deepening and extending the Harbour of *Paisley*, in the County of *Renfrew*. [17th June 1835.]

[*27 G. 3. c. 56. repealed, § 1. Ships in His Majesty's Service, or in the Employ of the Customs or Excise, Ordnance or Post Office, exempted from Toll, § 36. Materials for the River or Harbour exempted from Duties, § 37. Farm Produce, and Lime, &c. for Manure, belonging to Owners or Occupiers of Lands within Five Miles of the River exempted from Rates and Duties, § 38. Goods not carried higher than Knockford to pay Half Rates only, § 39. Saving the Powers of the Clyde Trustees and Jurisdiction of the Baillie of Clyde, § 67.*]

## Cap. xxxiii.

An Act to enable the *Edinburgh Water Company* to borrow a further Sum of Money. [17th June 1835.]

[*Company enabled to borrow £118,000, § 1.*]

## Cap. xxxiv.

An Act to consolidate and extend the Powers and Provisions of the several Acts relating to the *Birmingham Canal Navigations*. [17th June 1835.]

[8 G. 3. c. 38. 9 G. 3. c. 53. 11 G. 3. c. 67. 23 G. 3. c. 92. 24 G. 3. c. 4. 25 G. 3. c. 87. (in part) 25 G. 3. c. 99. (in part) 34 G. 3. c. 87. 46 G. 3. c. xcii. 51 G. 3. c. cv. 55 G. 3. c. xl. and 58 G. 3. c. xix. repealed, § 1. *Saving the Rights of Lords of Manors or Land Owners to the Fisheries, § 92. Saving the Rights of the Staffordshire and Worcestershire Canal Navigation, § 258; and of the Wyrley and Essington Canal Navigation, § 259; and of the Birmingham Waterworks Company, § 260.*]

## Cap. xxxv.

An Act for making, maintaining, and repairing certain Roads near the Towns of *Ashburton* and *Totnes* in the County of *Devon*. (b) [17th June 1835.]

[11 G. 4. c. xcvi. repealed, § 1. *No more Money to be laid out on Branch Roads than is collected thereon, § 12. Lime for Manure exempted from Toll, § 15. Tolls not to be laid out in repairing Streets, § 16. Toll paid at any Gate between Ashburton and Chudleigh Bridge or South or Eastern Side of Bovey Tracey to clear all the other Gates on same Day, § 17.*]

## Cap. xxxvi.

An Act for repairing and maintaining the Road from the *Wellington Bridge Road* in the Parish of *Leeds* to *Tong Lane End* in the Parish of *Birstal*, and other Roads branching therefrom, and for making and maintaining a new Road from the aforesaid Road at *Swallow Hill* in the Township of *Wortley* to *Pudsey*, all in the West Riding of the County of *York*. (a)

[17th June 1835.]

[6 G. 4. c. iii. repealed, § 1. *Tolls to be paid but once a Day on the Wellington and Tong Lane End District, § 10, 11. Toll to be paid every Time of passing for Carts, &c. laden with Coals, § 13. Tolls to be paid but once a Day on the Wortley and Pudsey District, § 17, 18.*]

## Cap. xxxvii.

An Act for making and maintaining a Road from *Sandback* to *Congleton* in the County Palatine of *Chester*, and a Branch Road communicating therewith. (b) [17th June 1835.]

[*Tolls to be paid but once a Day at same Gate, § 13. Steam Carriages to pay every Time of passing and repassing, § 16. Tolls not to be laid out in repairing Streets, &c., § 18. No more Money to be laid out on Branch Road than is collected thereon, § 19.*]

## Cap. xxxviii.

An Act for more effectually repairing the Road from *Mullen's Pond* in the County of *Southampton*, through *Amesbury*, to the Eighteen Mile Stone from the City of *New Sarum* near *Wiltoughby Hedge* in the County of *Wilts*, and several other Roads leading out of the said Road. (a) [17th June 1835.]

[6 G. 4. c. xc. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 10. Tolls to be taken at Four Gates only on same Day, § 11. No more Money to be expended on Branch Road than is collected thereon, § 16.]

## Cap. xxxix.

An Act for more effectually repairing and improving the Road from the Town of *Hitchin*, through *Shefford*, to the Turnpike Road from *Saint Albans* to *Bedford*, and also the Road from the Turning out of the said Road to *Henlow* and *Gerford Bridge*, and other Roads therein mentioned, in the Counties of *Hertford* and *Bedford*. (a) [17th June 1835.]

[30 G. 2. c. 43. 9 G. 3. c. 87. 30 G. 3. c. 115. and 53 G. 3. c. xciii. repealed, § 1. Two full Tolls only to be taken on same Day for passing or re-passing through all the Gates on the Road, § 11. No Toll to be taken for re-passing once through same Gate on same Day, § 12. Inhabitants of *Henlow* exempted from Toll at any Gate in that Village for Articles for their own Use, § 16. No Money to be expended in repairing Streets, § 20.]

## Cap. xl.

An Act for more effectually repairing the Road from *Saint Benedict's Gate* in the County of the City of *Norwich* to *Swaffham* in the County of *Norfolk*, and from *Halfpenny Bridge* in *Honingham* to the Bounds of *Yaxham*, and also a Lane called *Hangman's Lane*, near the Gates of the said City. (b)

[17th June 1835.]

[10 G. 3. c. 67. 32 G. 3. c. 112. and 53 G. 3. c. x. repealed, § 1. Toll paid at One Gate to clear the next, and no Toll to be paid on re-passing those Gates, and Two full Tolls only for passing and re-passing on same Day through all the Gates on the Road, § 10. Steam Carriages to pay every Time of passing, § 14. No Money to be laid out on Roads that have no Toll Gates, § 17. Tolls not to be expended in repairing Streets, § 18.]

## Cap. xli.

An Act for more effectually repairing the Road from *Duffield*, through *Belper*, to *Heage* in the County of *Derby*, and for making a new Line of Road communicating therewith. (a)

[17th June 1835.]

[33 G. 3. c. 177. and 54 G. 3. c. cxxiii. repealed, § 1. Tolls to be paid but once on same Day for passing and re-passing same Gate, § 7. Two full Tolls only to be taken on same Day for passing and re-passing once through all the Gates on the Road, § 8. Abatement of Tolls for Cylindrical Wheels of a certain Breadth, § 13. No Exemption allowed to certain Carriages having the Nails of the Tire projecting more than a Quarter of an Inch, § 15.]

## Cap. xlii.

An Act to empower the *Dublin Oil Gas Light* Company to produce Gas from Coal, Peat, Turf, and other Materials; and to amend the Act relating to the said Company.

[17th June 1835.]

[*Powers of 5 G. 4. c. xlii. (except as altered) extended to this Act, § 1.*]

## Cap. xliii.

An Act to enable the Inhabitants of *Grosvenor Square* in the County of *Middlesex* more effectually to pave, cleanse, light, water, and embellish the said Square.

[3d July 1835.]

[14 G. 3. c. 52. repealed, § 1. *Saving the Rights of Commissioners of Sewers, § 67.; and of the West Middlesex Waterworks Company, § 68.*]

## Cap. xliv.

An Act for enlarging the Powers of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, to consolidate and amend several Acts for the further Improvement of the Port of *London*, by making Docks and other Works at *Blackwall* for the Accommodation of *East India* Shipping.

[3d July 1835.]

[43 G. 3. c. 126. 46 G. 3. c. 113. and 54 G. 3. c. ccxxviii. and 9 G. 4. c. xcvi. recited, and Powers of last Act (except as altered) extended to this Act, § 1.]

## Cap. xlv.

An Act for lighting, watching, and improving the Parish of *Tormoham* in the County of *Devon*.

[3d July 1835.]

[*No Money to be laid out in repairing, &c. Torquay Harbour, § 116. Saving the Rights of the Torquay Harbour, &c. § 118.*]

## Cap. xlv.

An Act for improving and regulating the Town of *Aberystwyth* in the County of *Cardigan*, and for supplying the Inhabitants thereof with Water.

[3d July 1835.]

[*Saving the Rights of the Corporation of Aberystwyth, § 1.*]

## Cap. xlvii.

An Act to alter and amend Three several Acts for paving, cleansing, and improving the Town of *Dovor*; and for making further Improvements in the said Town.

[3d July 1835.]

[*Powers of 18 G. 3. c. 76. 50 G. 3. c. xxvi. and 11 G. 4. c. cxvii. (except as altered) extended to this Act, § 1.*]

## Cap. xlviii.

An Act for more effectually repairing, improving, and preserving the Harbour and Quay of *Wells* in the County of *Norfolk*.

[3d July 1835.]

[15 C. 2. c. 4. and 8 & 9 G. 3. c. 8. repealed, § 1. *Vessels in His Majesty's Service, or in the Employ of the Ordnance, Customs, or*



*Excise, exempted from Toll, § 30. Saving the Rights of the Corporations of the Trinity House and of Kingston-upon-Hull, § 64.*

Cap. xlix.

An Act for improving the Haven of *Great Yarmouth* in the County of *Norfolk*, and the several Rivers connected therewith, and for repairing or taking down and rebuilding a certain Bridge over the said Haven at *Great Yarmouth* aforesaid, and a certain Bridge called *Saint Olave's Bridge*, over the River *Waveney*, in the Counties of *Norfolk* and *Suffolk*; and for suspending for a limited Period certain Duties payable to the Corporation of *Great Yarmouth*, and imposing other Duties in lieu thereof.

[3d July 1835.]

[12 G. 3. c. 14. 25 G. 3. c. 36. and 40 G. 3. c. iv. repealed, § 1. Vessels in His Majesty's Service, or in the Employ of the Ordnance, Customs, or Excise, or Post Office, exempted from Rates and Duties, § 43. Saving the Rights of the Corporation as to the Duty or Toll called *Measurage*, § 130. Saving the Rights of the City of *Norwich* and Borough of *Great Yarmouth*, § 132.; and of the *Exchequer Loan Commissioners*, § 133.; and of the *Trinity House*, § 134.; and of the *Beccles Navigation Company*, § 135.]

Cap. l.

An Act for establishing a new Market for Live Stock and Agricultural Produce, and erecting a Market House or Corn Exchange, in the City of *Winchester*.

[3d July 1835.]

Cap. li.

An Act for removing the Markets held in the Town of *Cardiff* in the County of *Glamorgan*, and for providing other Market Places in lieu thereof.

[3d July 1835.]

[Saving the Rights of the Marquis of *Bute* and the Corporation of *Cardiff*, § 61.]

Cap. lii.

An Act for paving, lighting, and watching the Town and Parish of *Downham Market* in the County of *Norfolk*.

[3d July 1835.]

Cap. liii.

An Act for removing the Markets held in the Town and Borough of *Neath* in the County of *Glamorgan*, and for providing a new Market Place in the said Town in lieu thereof.

[3d July 1835.]

[Saving the Rights of the *Portreeves, Aldermen, and Burgesses* of *Neath*, § 69.; and of *Avon and Kenfig*, § 70.]

Cap. liv.

An Act for altering, amending, and extending the Powers and Provisions of an Act of the Sixth Year of His late Majesty King *George* the Fourth, for the Regulation of Buildings in the Town of *Liverpool*, and for the other Purposes therein mentioned; and for granting further and additional Powers for the Improvement and

and Regulation of the said Town, and the Preservation of Property therein from Fires and otherwise. [3d July 1835.]

[Powers of 6 G. 4. c. lxxv. (except as altered) extended to this Act, § 1.]

Cap. lv.

An Act to make and maintain a Railway from *Starrig* and *Arbuckle* in the County of *Lanark* to the Union Canal at *Causewayend* in the County of *Stirling*. [3d July 1835.]

Cap. lvi.

An Act to enable the *London* and *Birmingham* Railway Company to extend and alter the Line of such Railway, and for other Purposes relating thereto. [3d July 1835.]

[Powers of 3 & 4 W. 4. c. xxxvi. (except as hereby altered) extended to this Act, § 1. Saving the Rights of the Regent's Canal Company, § 34.; and of Commissioners of Sewers for *Holborn* and *Finsbury Divisions*, § 133.]

Cap. lvii.

An Act to enable the *Leeds* and *Selby* Railway Company to improve the Line of the said Railway; and for amending and enlarging the Powers and Provisions of an Act relating to such Railway. [3d July 1835.]

[Powers of 11 G. 4. c. lix. (except as altered) extended to this Act, § 35.]

Cap. lviii.

An Act for making a Railway from *Preston* to *Wyre*, and for improving the Harbour of *Wyre*, in the County Palatine of *Lancaster*. [3d July 1835.]

[Ships driven in the Harbour by Stress of Weather or by an Enemy to be liable to one Moiety only of Rates or Duties, § 138. Vessels in His Majesty's Service, or in the Employ of the Ordnance, Customs, or Excise, or Post Office, exempted from Rates or Duties, § 140. Saving the Rights of the *Trinity House*, § 204.]

Cap. lix.

An Act for consolidating the Shares in the *Wilts* and *Berks* Canal Navigation, and for extending the Powers of the Act of Incorporation of the Company of Proprietors of the said Canal. [3d July 1835.]

[Powers of 1 & 2 G. 4. c. xcvi. (except as altered) extended to this Act, § 35.]

Cap. lx.

An Act for providing in or near the Burgh of *Cupar* more extensive Accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of Supply of the County of *Fife*, and for the Custody of the Records of the said County. [3d July 1835.]

## Cap. lxi.

An Act for better supplying with Water the Town of *Ashton-under-Lyne*, and the Neighbourhood thereof, within the Parish of *Ashton-under-Lyne*, in the County Palatine of *Lancaster*.

[3d July 1835.]

## Cap. lxii.

An Act for more effectually making, repairing, and maintaining the Turnpike Roads in the County of *Edinburgh*. (a)

[3d July 1835.]

[24 G. 2. c. 35. 28 G. 2. c. 39. 4 G. 3. c. 86. 24 G. 3. c. 18. 29 G. 3. c. 105. 38 G. 3. c. xlv. and 43 G. 3. c. xxxiv. repealed so far as they relate to Turnpike Roads within the County of *Edinburgh*, § 1. Waggon, &c. with broad Wheels of a certain Description to pay Two Thirds only of the usual Toll, § 9. Tolls to be paid only once in Six Miles, unless with a new Loading, § 11. One full Toll only to be taken between the City of *Edinburgh* and the Confines of the County of *Haddington*, § 12.]

## Cap. lxiii.

An Act for improving and more effectually repairing the several Roads leading into and from the City of *Worcester*.

[3d July 1835.]

[56 G. 3. c. xlvi. and 57 G. 3. c. xxiv. repealed, § 1. Carriages carrying Materials for Bridges, &c. not exempt from Toll, unless the Wheels are of the Breadth of Six Inches and the Nails counter-sunk, § 24. Waggon, &c. with Wheels of the above Description not liable to Toll for Overweight, § 25. Toll to be paid for Dogs drawing Carriages, § 26. Double Toll to be paid for Building Materials between the 1st of October and 1st of April, unless in Carriages with Wheels of the Breadth of Six Inches, § 28. Two full Tolls only to be taken in any District for passing and repassing on same Day, and only One Toll for Carts, &c. carrying agricultural Produce and returning empty, or laden with Coals or Manure, § 29. Tolls to be paid but once a Day within Three Miles, § 30. Tolls to be paid but once a Day at same Gate, § 31. Tolls not to be laid out in repairing Streets, &c., § 40.]

## Cap. lxiv.

An Act for repairing the Roads from *Sevenoaks Common* to *Woodsgate*, *Tunbridge Wells*, and *Kipping's Cross*, and from *Tunbridge Wells* to *Woodsgate*, in the County of *Kent*. (b)

[3d July 1835.]

[54 G. 3. c. clxxiv. repealed, § 1. Chalk and Lime for Manure exempted from Toll between the 1st of April and 1st of October, and Seed for sowing exempted (at all Times) from Toll, § 10. One Toll only to be paid for passing and repassing once through the same Gate on same Day, § 11. Tolls to be taken at Three Gates only for passing and repassing between *Sevenoaks Common* and *Kipping's Cross*, § 12.; and at Two Gates only between *Tunbridge Town* and *Tunbridge Wells*, § 13.; and at One Gate only between *Tunbridge Wells* and *Woodsgate*, § 14. Payment of Toll at One

*Gate to clear all other Gates within a Quarter of a Mile, § 15. Money not to be laid out in repairing Streets, &c., § 19. Penalty of 40s. for hanging out Linen, &c., § 21.]*

*Cap. lxxv.*

An Act for more effectually repairing the *Launceston Turnpike Roads*, and making certain additional Roads. (b)

[3d July 1835.]

[33 G. 2. c. 59. 21 G. 3. c. 86. 41 G. 3. c. x. and 55 G. 3. c. lii. repealed, § 1. Tolls to be paid but once a Day at same Gate, § 18. Lime for Manure exempted from Toll, provided the Wheels of the Carriage are of the Breadth of 4½ Inches; Furze, Peat, &c. for Fuel, and Sea Sand exempted from Toll, § 19. Two full Tolls only to be taken on same Day for passing and repassing through all the Gates on the Road, except the *Holdsworth District*, and Two full Tolls only on that District, § 22. No more Money to be laid out on Roads than is collected thereon, § 24. Tolls not to be laid out in repairing Streets, &c., § 27. Saving the Rights of the *Duchy of Cornwall*, § 44.]

*Cap. lxxvi.*

An Act for more effectually repairing and improving the Road from the Junction of the *Odstock Road* with the *Downton Road* near *Harnham Hill*, through *Blandford* and *Dorchester*, to *Askerswell Hill*, in the Counties of *Wills* and *Dorset*. (b)

[3d July 1835.]

[9 G. 4. c. xxi. repealed, § 1. Six full Tolls only to be taken on same Day for passing over the whole Line of Road, § 14. Tolls to be paid but once a Day at same Gate, § 15. No more Money to be laid out on Branch Roads than is collected thereon, § 19. Trustees not to repair Streets in *Blandford* and *Dorchester*, § 22.]

*Cap. lxxvii.*

An Act for more effectually repairing and improving the Road from *Newry* to *Charlemont*, through the County of *Armagh*. (b)

[3d July 1835.]

[Tolls to be paid but once a Day at same Gate, § 34. No Toll to be taken for Horses, &c. belonging to the King or Royal Family, nor for Stones, Bricks, &c., or Materials for Roads, nor for Hay or Corn in the Straw, or Potatoes, the Produce of Lands lying alongside the Road, nor for Corn going to be ground at any of the Manor Mills within each District, to be laid up or consumed by the Owners and not for Sale, nor for Limestone, &c. or other Manure, nor for Implements of Husbandry, Horses going to or returning from being shod or farried or to or from Work or Pasture or watering, if not passing more than Two Miles on the Road, nor for Horses, &c. crossing the Road only and not passing above 100 Yards thereon; nor for Mails, Soldiers on March or Duty, their Arms and Baggage, wounded, sick, or disabled Officers or Soldiers, Public Stores, Yeomanry or Volunteer Cavalry or Infantry in going to or returning from Exercise, nor for Magistrates. Constables.]

*Constables, &c. on Duty, nor for Vagrants or Prisoners sent by legal Warrants, nor for Persons going to or returning from voting at Elections for the County, § 37.]*

Cap. lxviii.

An Act for further regulating the Statute Labour and repairing the Highways and Bridges in the County of *Edinburgh*.

[3d July 1835.]

[4 G. 3. c. 86. 24 G. 3. c. 18. 25 G. 3. c. 28. 43 G. 3. c. xxxiv. 49 G. 3. c. xxxvii. and 3 G. 4. c. xlv. repealed, except as to certain Improvements, § 1. Powers of 1 & 2 W. 4. c. 43. applicable to Improvements, § 2.]

Cap. lxix.

An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King *George* the Third, for amending certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and adjoining Parish of *Saint Clement*; and for other Purposes in the said Acts mentioned.

[21st July 1835.]

[*Certain Parts of 11 G. 3. c. 19. 21 G. 3. c. 47. and 52 G. 3. c. lxxii. continued, and to be in force, together with this Act, for Thirty-one Years, § 1 & 102. Saving the Rights of the University and City, § 59 & 100.]*

Cap. lxx.

An Act for making and maintaining a Bridge over the River called "*The Portland Ferry*," in the County of *Dorset*, with proper Approaches thereto.

[21st July 1835.]

[*Tolls to be paid but once a Day for Foot Passengers, § 51. The King and Royal Family, Mails, Soldiers on March or Duty, Public Stores, Yeomanry Cavalry and Volunteer Infantry, Vagrants sent by legal Passes, and Prisoners sent by legal Warrants exempted from Toll, § 56.]*

Cap. lxxi.

An Act for amending an Act passed in the last Session of Parliament for establishing a Floating Bridge over the River *Itchen* near the Town of *Southampton*, with proper Approaches thereto, and making Roads to communicate therewith.

[21st July 1835.]

[4 & 5 W. 4. c. lxxxv. recited and in part repealed, § 1 & 6. *Mails, Soldiers on March or Duty, their Arms and Baggage, Public Stores, Vagrants sent by legal Passes, Prisoners under legal Warrants, Volunteers or Yeomanry on March or Duty, Yeomanry or Volunteer Cavalry, and Persons going to or returning from voting at Elections for the County of Southampton, exempted from Toll, § 7.]*

Cap. lxxii.

An Act for lighting, watching, cleansing, regulating, and otherwise improving the Town of *Tunbridge Wells* in the Counties

of *Kent* and *Sussex*, and for regulating the Supply of Water and establishing a Market within the said Town.

[21st July 1835.]

[*Saving the Rights of the Lordships of Rotherfield, Washingstone, &c.*, § 170.]

Cap. lxxiii.

An Act for paving, lighting, and otherwise improving the Town of *Haverfordwest*, and the adjoining Townships of *Prendergast* and *Carllett*, in the Parishes of *Prendergast* and *Uzmaston*, in the County of *Pembroke*.

[21st July 1835.]

[*Saving the Rights of the Corporation of Haverfordwest*, § 129. *And of the Commissioners of the Water Act*, § 130.]

Cap. lxxiv.

An Act to amend several Acts relating to the Bridge and to the City and Port of *Londonderry*.

[21st July 1835.]

[*Powers of 30 G. 3. c. 31. (I.) 40 G. 3. (I.) 54 G. 3. c. ccxxx. 5 G. 4. c. clii. 6 G. 4. c. clxxx. and 2 & 3 W. 4. c. cvii. (except as altered) extended to this Act*, § 1. *One Toll only to be payable for passing over the Bridge*, § 12. *Saving the Rights of the Irish Society*, § 27.]

Cap. lxxv.

An Act for making and maintaining a Dock and other Works in the Port of *Newport* in the County of *Monmouth*, with a Railway and Stone Road therefrom.

[21st July 1835.]

[*Saving the Rights of the Monmouthshire Canal Company*, § 161.]

Cap. lxxvi.

An Act to enable the Proprietors or Shareholders in the *Argus* Life Assurance Company to sue and be sued in the Name of any One of the Directors or of the Chairman or Secretary for the Time being of the said Company.

[21st July 1835.]

Cap. lxxvii.

An Act for providing a Market Place and regulating the Markets in the Town and Borough of *Merthyr Tydfil* in the County of *Glamorgan*.

[21st July 1835.]

[*Saving the Rights of the Marquis of Bute*, § 27.]

Cap. lxxviii.

An Act for erecting and maintaining a Pier or Harbour at *Gourock* in the County of *Renfrew*.

[21st July 1835.]

[*Deep Sea Steam Boats and Vessels laden Outward bound exempted from Rates*, § 51. *Fishing and Pilot Boats belonging to Persons residing in Gourock exempted from Rates*, § 52. *Tonnage Duty not exigible more than once for same Voyage*, § 53. *Passengers Luggage exempted from Toll*, § 55. *Saving the Rights of the Clyde Trustees*, § 98.; *and of the Proprietor of the Estate of Gourock*, § 99.; *and of the Feuars thereof*, § 100.]

## Cap. lxxix.

An Act for the further Improvement of the Harbour of *Ayr*.

[21st July 1835.]

[57 G. 3. c. xx. repealed, § 1. *Vessels in His Majesty's Service, or in the Employ of the Customs or Excise, or Ordnance, or Post Office, exempted from Rates, § 44. Act to take effect Two Calendar Months from its passing, and continue in force for Twenty-one Years, and to the End of the then next Session, § 77 & 79.*]

## Cap. lxxx.

An Act for supplying the Town of *Paisley* in the County of *Renfrew* with Water.

[21st July 1835.]

## Cap. lxxxi.

An Act for the better supplying the Parish of *Richmond* in the County of *Surrey* with Water.

[21st July 1835.]

[*Saving the Rights of the City of London as Conservators of the Thames, § 93. ; and of the West Middlesex Waterworks Company, § 94.*]

## Cap. lxxxii.

An Act for enlarging and amending the Powers and Provisions of the Acts passed for making and maintaining a Railway or Tramroad from the Sea Shore at or near *Whitstable* in the County of *Kent* to or near to the City of *Canterbury*, and the Works connected therewith ; and to authorize the Company of Proprietors to raise a further Sum of Money.

[21st July 1835.]

[*Powers of 6 G. 4. c. cxx. 7 & 8 G. 4. c. xi. and 9 G. 4. c. xxix. (except as altered) extended to this Act, § 1. Company empowered to borrow £40,000, § 29. Vessels in His Majesty's Service, or in the Employ of the Ordnance, Customs, or Excise, or Post Office, exempted from Toll, § 37. Saving the Rights of Commissioners of Sewers, § 38. ; and of the Company of Free Fishers and Dredgers of Whitstable, § 39.*]

## Cap. lxxxiii.

An Act for enabling *John Brandling* and *Robert William Brandling* Esquires to purchase and take Leases of Lands and Hereditaments for the Formation of a Railway from *Gateshead* to *South Shields* and *Monk-Wearmouth*, all in the County Palatine of *Durham*, with Branches therefrom.

[21st July 1835.]

## Cap. lxxxiv.

An Act for making and maintaining a Railway from *Newtyle* to *Coupar Angus* in the County of *Forfar*.

[21st July 1835.]

## Cap. lxxxv.

An Act for making and maintaining a Railway between the Town of *Paisley* and the South Side of the River *Clyde* at *Renfrew Ferry*, and for constructing Wharfs, Quays, or Landing Places there ; all in the County of *Renfrew*.

[21st July 1835.]

## Cap. lxxxvi.

An Act for better lighting with Gas the Town and Neighbourhood of *Leeds* in the Borough of *Leeds* in the West Riding of the County of *York*.

[21st July 1835.]

## Cap. lxxxvii.

An Act for altering the Line of Road from the Milnford of *Garrcube* to the City of *Glasgow*, and improving the Roads leading therefrom into the said City. [21st July 1835.]

[*Powers of 11 G. 4. c. cxxviii. and 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 1. Act to be in force from its passing, and continue for the Term of first-recited Act, § 14.*]

## Cap. lxxxviii.

An Act for improving and keeping in repair certain Roads in the Counties of *Flint* and *Chester*, and for better maintaining the Ferry over the River *Dee* called the *Lower King's Ferry*, in the said County of *Flint*. (a) [21st July 1835.]

[7 G. 4. c. lxxxvi. and 10 G. 4. c. lxxxvi. repealed, § 1. One full Toll only to be taken on same Day for passing and repassing once through all the Gates in each District, § 18. Horses, &c., repassing with a different Carriage, &c. to be again liable to Toll if passing Two Miles on the Road, § 19. Saving the Rights of the Commissioners of the River *Dee*, § 52. Money not to be laid out in repairing Streets, § 56.]

## Cap. lxxxix.

An Act for more effectually repairing and improving the Road from the Side Gate on the *Hinckley* and *Lutterworth* Turnpike Road in the Parish of *Burbage* in the County of *Leicester* to the *Leicester* Turnpike Road in or near to the Village of *Narborough* in the said County. (a) [21st July 1835.]

[54 G. 3. c. xxiv. repealed, § 1. One Third only of the Toll to be taken for passing between the *Hinckley End* of the Road and its Point of Junction with the First Lane therefrom leading to *Aston Flamville*, § 7. No Toll to be taken for passing from *Huncote* to *Narborough*, § 8. Two full Tolls only to be taken on same Day for passing and repassing along the Road, § 10. No Toll to be paid within Five Miles of the Gate at which Toll shall have been paid, § 11. Tolls to be paid but once a Day at same Gate, § 12. Lime for Manure exempted from Toll between the First of April and the First of November, § 17. Tolls not to be laid out in repairing Streets, § 20. Penalty for hanging out Linen, &c., § 22.]

## Cap. xc.

An Act to explain and amend the Powers of an Act of His late Majesty King *George* the Fourth, for making a Pier at *Southend* in the County of *Essex*. [30th July 1835.]

[*Powers of 10 G. 4. c. xlix. (except as altered) extended to this Act, § 2.*]

## Cap. xci.

An Act for better lighting with Gas the Borough of *Sheffield* in the West Riding of the County of *York*. [30th July 1835.]

[*Saving the Rights of the present Gas Company, § 8.; and of the Duke of Norfolk, § 85.*]



*Cap. xcii.*

An Act for making and maintaining a Railway from *Newtyle* to the Muir of *Bassie*, and from thence to the Muir of *Glammiss*, in the County of *Forfar*. [30th July 1835.]

*Cap. xciii.*

An Act to amend an Act relating to the *Bodmin* and *Wadebridge* Railway. [30th July 1835.]

[*Powers of 2 & 3 W. 4. c. xlvi. (except as altered) extended to this Act, § 1. Saving the Rights of Commissioners appointed by 1 & 2 W. 4. c. 24.—§ 3.*]

*Cap. xciv.*

An Act for amending and consolidating the Acts of Parliament for the Recovery of Small Debts in the City of *London* and the Liberties thereof, and for enabling the Goods of the Debtors to be taken in Execution. [21st August 1835.]

[1 *Jac. 1. c. 14.* 3 *Jac. 1. c. 15.* 14 *G. 2. c. 10.* 25 *G. 3. c. 45.* and 39 & 40 *G. 3. c. civ. repealed, § 1.*]

*Cap. xciv.*

An Act to amend and extend the Powers vested in the Grand Junction Waterworks Company, and for other Purposes relating thereto. [21st August 1835.]

[*Powers of 33 G. 3. c. 80.* 35 *G. 3. c. 43.* 38 *G. 3. c. xxxiii.* 51 *G. 3. c. clxix.* 52 *G. 3. c. cxcv.* 56 *G. 3. c. iv.* 56 *G. 3. c. lxxxv.* 5 *G. 4. c. xxxv.* and 7 *G. 4. c. cxl. (except as altered) extended to this Act, § 1. Saving the Rights of the New River and other Companies, § 35.; and of the Commissioners of Sewers for Westminster, § 36.; and of the Corporation of London, § 38.; and of the Grand Junction Canal Company, § 39.; and of the Bishop of London and his Lessees, § 40.; and of the Parish of Marylebone as to certain Acts, § 41. Not to affect the Metropolis Paving Act, § 42.*]

*Cap. xcvi.*

An Act to authorize the *Llanelly* Railway and Dock Company to make certain additional Railways or Tramroads, and for other Purposes connected therewith. [21st August 1835.]

*Cap. xcvi.*

An Act for effecting an Extension of the *Ballochney* Railway, in the County of *Lanark*; and for altering, amending, and enlarging the Powers of an Act of the Seventh Year of His late Majesty, for making the said Railway. [21st August 1835.]

[*Powers of 7 G. 4. c. xlviii. extended to this Act, § 1.*]

*Cap. xcvi.*

An Act to amend an Act of the Third Year of His present Majesty, for more effectually supplying with Water the City and County of the City of *Exeter* and Places adjacent thereto. [21st August 1835.]

[*Powers of 3 W. 4. c. xxxii. (except as altered) extended to this Act, § 1.*]

## Cap. xcix.

An Act to enable the *Reading Waterworks Company* to extend their Works; and for explaining and enlarging the Powers of the Act relating to such Company. [21st August 1835.]

[*Powers of 7 G. 4. c. xxxiii. (except as altered) extended to this Act, § 1.*]

## Cap. c.

An Act for the better paving, lighting, watching, cleansing, and otherwise improving the Borough of *Truro* in the County of *Cornwall*, and for forming a new Street within the same Borough. [21st August 1835.]

[30 G. 3. c. 62. repealed, § 1.]

## Cap. ci.

An Act for paving, lighting, watching, and otherwise improving the Town of *Bognor* in the County of *Sussex*; and for amending and enlarging Two Acts of Parliament passed in the Third and Sixth Years of the Reign of His late Majesty King *George* the Fourth, relating to the said Town. [21st August 1835.]

[*Property and Powers vested in Commissioners under 3 G. 4. c. lvii. and 6 G. 4. c. cxxxv. extended to those appointed under this Act, § 1.*]

## Cap. cii.

An Act for building a Bridge over the River *Trent* at *Willington* in the County of *Derby*. [21st August 1835.]

[*No Toll to be taken for Horses, &c., when employed in carrying or returning empty from carrying Produce of Lands grown on one Side of the River and taken over the Bridge to the other Side to be stacked or housed; nor for Manure for Lands lying within Four Miles of the Bridge, § 58. One Half Toll only to be taken for Lime for Lands beyond Four Miles, § 51. The King and Royal Family exempted from Toll, § 64. Certain other Exemptions from Toll, § 65.*]

## Cap. ciii.

An Act for repairing and otherwise improving the Roads from *Oxford* over *Botley Causeway*, to *Fifield* in the County of *Berks* and *Witney* in the County of *Oxford*. (a) [21st August 1835.]

[7 G. 3. c. 66. 8 G. 3. c. 34. 18 G. 3. c. 81. and 54 G. 3. c. clxxxvi. repealed, § 1. One full Toll only to be taken on same Day on the Road between *Oxford* and *Fifield* and Two full Tolls only between *Oxford* and *Witney*, § 8. Three full Tolls only to be taken on same Day for passing through all the Gates on the Road, § 11. Tolls not to be applied in repairing Streets, § 15.]

## Cap. civ.

An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for more effectually repairing the Road from the *Exeter Turnpike Road* to *Biddaford*, and certain Roads leading from *Bridgetown Pomeroy* and *Totnes*, and other Roads communicating therewith, and for repairing *Totnes*

*Bridge, and erecting Bridges over the Stover Canal, the Rivers Teign and Lemon, and the Mill Leat, all in the County of Devon. (a)* [21st August 1835.]

[*Powers of 5 & 6 W. 4. c. xxvi. extended to this Act, § 2.*]

*Cap. cv.*

An Act for more effectually repairing certain Roads leading to and from *Bodmin*, and other Roads therein mentioned, in the County of *Cornwall*, and for making and maintaining certain new Roads communicating therewith. (a) [21st August 1835.]

[10 G. 4. c. xix. and 3 & 4 W. 4. c. lxxxix. repealed, § 1. *Two full Tolls only to be taken on same Day for passing through all the Gates on the Launceston, Camelford, Helland Bridge, Truro, Wadebridge, Lisheard, and Lostwithiel and Saint Austell Roads, or on the new Lines of Road, § 11. Tolls to be paid but once a Day at same Gate, § 12. All Gates in the Borough of Bodmin to free each other, except Townend, Calliwith, and Saint Nicholas Gates, § 13. Horses going to or returning from Pasture or watering, or going to or returning from being shod or farried, if not going or returning more than Two Miles, exempted from Toll, § 16. No Exemption for agricultural Produce, Manure, &c. unless the Tires of Wheels be of certain Breadths, § 17. No more Money to be laid out on Line of Roads than is collected thereon, § 18. Tolls not to be laid out in repairing Streets, § 28.]*

*Cap. cvi.*

An Act for the Improvement of the Registrar's Office, and other Offices of the Court of Chancery. [21st August 1835.]

*Cap. cvii.*

An Act for making a Railway from *Bristol* to join the *London and Birmingham* Railway near *London*, to be called "The Great Western Railway," with Branches therefrom to the Towns of *Bradford* and *Trowbridge* in the County of *Wilts*.

[31st August 1835.]

[*Saving the Rights of Commissioners of Sewers for Westminster, § 227. Duties payable to the Corporation of London on Coals to be paid on Coals brought by the Railway nearer to London than Hillingdon, § 228. Saving the Rights of the Corporation of London, § 229.*]

*Cap. cviii.*

An Act to rectify a Mistake in an Act passed in the present Session of Parliament, for lighting, watching, and improving the Parish of *Tormoham* in the County of *Devon*.

[31st August 1835.]

[*Powers of 5 & 6 W. 4. c. xlv. extended to this Act, § 1.*]

*Cap. cix.*

An Act to improve and maintain the *Port Dundas* Road, and to make and maintain another Road, in the County of *Lanark*. (b)

[31st August 1835.]

[33 G. 3. c. 160. and 54 G. 3. c. cc. repealed, § 1. *Powers of 1 & 2 W. 4. c. 43. (except as altered) extended to this Act, § 2.*

*One*

*One Halfpenny only to be taken for Manure to be used on Lands adjoining the Road, § 12. Increased Toll to be paid on certain Carriages, § 13. Toll to be paid but once for passing and re-passing with same Loading, § 14.]*

*Cap. cx.*

An Act for incorporating and granting certain Powers to the *North American Colonial Association of Ireland.*

[9th September 1835.]

*Cap. cxi.*

An Act for establishing a Market for the Sale of Cattle in the Parish of *Saint Mary Islington* in the County of *Middlesex.*

[9th September 1835.]

[*Saving the Rights of the Corporation of London, § 53.; and of Commissioners of Sewers for Holborn and Finsbury Divisions, the Parish of St. Leonard Shoreditch, and the Liberty of Norton Falgate, § 54.; and of the Commissioners of the Metropolis Roads, § 55.; and of the Trustees of the Parish of St. Mary Islington, § 56.]*

*Cap. cxii.*

An Act to alter, amend, and enlarge the Powers of an Act of the Second and Third Years of His present Majesty, for making and maintaining a Railway from the *Cave Hill* to the Harbour of *Belfast* in the County of *Antrim.* [9th September 1835.]

[*Powers of 2 W. 4. c. xxxv. (except as altered) extended to this Act, § 1. Saving the Rights of Lord Donegal, § 53.]*

## PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN  
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N. B. *To each of these Acts is annexed a Clause in the Form following :*

“ And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom ; and that a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.”

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*Cap. 1.*

An Act for vesting in *George Knowles* Esquire and his Heirs certain Freehold and Copyhold Estates situate at *Sharow* in the Parish of *Ripon* in the County of *York*, discharged from the Uses mentioned or referred to by the Marriage Settlement of the said *George Knowles*, and for substituting and settling certain Freehold and Copyhold Estates situate at *Humberstone Bank* and *Thruscross* in the Parish of *Hampsthwaite* in the said County of *York* in lieu thereof, and to the like Uses.

[3d July 1835.]

*Cap. 2.*

An Act for vesting certain Freehold and Leasehold Hereditaments situate in the Town and County of the Town of *Southampton*, devised and bequeathed by the Will of *Ann Hambly* Widow, deceased, in Trustees for Sale ; and for laying out the Monies to be produced by such Sale in the Purchase of other Estates to be settled in the same Manner.

[3d July 1835.]

*Cap. 3.*

An Act for vesting certain Shares of Estates now belonging to *Sir Cecil Augustus Bisshopp*, *Harriet Arabella Bisshopp*, *George Curzon Bisshopp*, *Edward Cecil Bisshopp*, and *Catherine Mary Bisshopp*, Infants, and also to the said *Sir Cecil Augustus Bisshopp* alone, in Trustees, to be sold, and for investing the Purchase Monies arising from such Shares in other Estates.

[3d July 1835.]

## Cap. 4.

An Act for applying the Balance now lying in Bank of the Price of the Lands of *Glenkinglas*, and others, contained in a Deed of Entail executed by the deceased Sir *Duncan Campbell of Lochnell*, which were sold in virtue of the Powers contained in an Act of Parliament passed in the Forty-ninth Year of the Reign of His late Majesty King *George the Third*, towards Payment of certain Sums laid out by General *Duncan Campbell of Lochnell* in the Improvement of the said entailed Estate. [3d July 1835.]

## Cap. 5.

An Act to enable the granting of Leases, and for other Purposes relating to the Estates of *William Harris* Esquire, deceased. [3d July 1835.]

## Cap. 6.

An Act for confirming a Partition, made under a Decree of His Majesty's High Court of Chancery, of an Estate in the County of *Chester* among *Whitmore Smart*, *Elizabeth Smart* Spinster, and others. [3d July 1835.]

## Cap. 7.

An Act for the Sale of Estates in *Ireland* devised by the Will of the Right Honourable *Chichester* late Earl of *Massereene*, and for the Purchase of other Estates in *Ireland*, to be settled to the Uses of the said Will. [3d July 1835.]

## Cap. 8.

An Act for authorizing the Sale of the entailed Lands of *North Ferryhill* or *Carlingnose* in the County of *Fife*, and the entailed Lands and Estate of *Kirkton* and *Whitelaw* in the County of *Linlithgow*, belonging to *William Scott Moncrieff* Esquire, and the Purchase of other Lands to be entailed. [3d July 1835.]

## Cap. 9.

An Act for exchanging the *Broomsthorpe* and *Castle Rising* Estates in the County of *Norfolk*, devised by the Will of *George James* late Marquis of *Cholmondeley* deceased to Lord *William Henry Hugh Cholmondeley* for Life, with Remainders over, for Lands in *Netherton* and *Hurley* in the County Palatine of *Chester*, devised by the same Will to the said Lord *William Henry Hugh Cholmondeley* in Fee Simple. [3d July 1835.]

## Cap. 10.

An Act for inclosing Lands in the Parishes of *Tavistock*, *Milton-Abbot*, *Brentor*, and *Lamerton*, in the County of *Devon*, called *Heathfield*. [3d July 1835.]

[Saving the Rights of the Lords of the Manors of *Hurdwick*, *Milton-Abbot*, *Brentor*, and *Lamerton*, § 43.]

## Cap. 11.

An Act for inclosing Lands in the Manor and Township of *Ulleshelf* in the Parish of *Kirby Wharfe* in the County of *York*.  
[3d July 1835.]

[*Allotments to be made for Materials for Roads*, § 28.; and for *Watering Places*, § 29.; and to the *Lords of the Manor*, § 30.]

## Cap. 12.

An Act for dividing, allotting, and inclosing the Commons or Waste Lands called *Raxmore* otherwise *Ravensmoor*, in the several Parishes of *Acton* and *Baddiley*, or One of them, in the County of *Chester*.  
[21st July 1835.]

[*Allotments to be made for Materials for Roads*, § 19.]

## Cap. 13.

An Act for inclosing and allotting Lands in the Parish of *Stretcham* in the *Ile of Ely* and County of *Cambridge*, and for the Commutation of Tithes.  
[21st July 1835.]

[*Allotment to be made to the Lord of the Manor for Right of Soil*, § 31.; and to the *Rector in lieu of Glebe and Right of Common*, and in lieu of Tithes, § 32. 34. 37. *Rector's Allotment to be fenced at the general Expence*, § 41. *Rector, with Consent of Bishop and Patron, may lease his Allotments for Twenty-one Years, to commence within Twelve Calendar Months from passing of the Act*, § 66. *Saving the Rights of Commissioners of Bedford Level*, § 86.]

## Cap. 14.

An Act for authorizing Sales, Leases, Grants, and Improvements of an Estate at *Lillington* in the County of *Warwick*, devised by the Will of *Matthew Wise* Esquire; and for other Purposes.  
[21st July 1835.]

## Cap. 15.

An Act to empower the Judges of the Court of Session in *Scotland* to sell the Lands of *Bravelleichts* in the County of *Argyll*, and, after discharging the Debts affecting the same, to invest the Surplus in the Purchase of other Lands, to be entailed.  
[21st July 1835.]

## Cap. 16.

An Act to enable the Prebendary of the Prebend of *Higleigh*, founded in the Cathedral Church of the *Holy Trinity* of *Chichester*, to accept Surrenders of the existing Lease of any Part of the said Prebend, and to grant new Leases thereof.  
[21st July 1835.]

## Cap. 17.

An Act for confirming certain Leases granted by Sir *James Graham* Baronet, deceased, and by Sir *Sandford Graham* Baronet, his Son, of Land at *Kirkstall* and in the Township of *Headingley-cum-Burley*, in the Parish of *Leeds* in the West Riding of the County of *York*.  
[21st July 1835.]

## Cap. 18.

An Act for enabling the Committee of the Estate of *Le Gendre Pierce Starkie* Esquire, a Lunatic, to grant Leases of his settled Estates [21st July 1835.]

## Cap. 19.

An Act to vest Part of the entailed Estate of *Cromarty*, lying within the County of *Ross*, and by Annexation within the County of *Cromarty*, in Trustees in Fee Simple, for the Purpose of selling the same, and of paying Debts which affect or may be made to affect the said entailed Estate; and for other Purposes connected therewith. [21st July 1835.]

## Cap. 20.

An Act for vesting in *Archibald Lord Douglas of Douglas*, or the Heir of Entail in Possession for the Time, certain detached Parts of the entailed Estates of *Douglas* in Fee Simple, upon entailing certain other Lands equivalent in Value to the same and to a Debt due by him to the said entailed Estates. [21st July 1835.]

## Cap. 21.

An Act for uniting the Rectory and Parish Church of *Stanmer* in the County of *Sussex* with the adjoining Vicarage and Parish Church of *Falmer*, and for exchanging the Parsonage House and Glebe Land of *Stanmer* and the Vicarage House of *Falmer* for certain Pieces of Land at *Falmer*, being Part of the settled Estates of the Right Honourable *Henry Thomas* Earl of *Chichester*, on which a new Parsonage House has been built at the Expence of the said Earl. [21st July 1835.]

## Cap. 22.

An Act to enable the Mayor, Aldermen, and Citizens of the City of *Worcester* to grant renewable Leases of the *Worcester* County Infirmary and of the Land held therewith to the Governors of the said Infirmary, or their Trustees. [21st July 1835.]

## Cap. 23.

An Act for vesting the settled and unsettled Manors and Estates of *Charles Vere Spencer*, an Infant, in the Counties of *Oxford* and *Denbigh*, in Trustees, in order to effect the Sale thereof, for the Payment of Incumbrances, and for other Purposes. [21st July 1835.]

## Cap. 24.

An Act for empowering Trustees to sell certain Freehold, Copyhold, and Leasehold Estates in the County of *Norfolk*, settled under the Will of *Horatio* Earl of *Orford* deceased, and for laying out the Money arising therefrom in the Purchase of Lands to be settled to the same Uses; and for the other Purposes therein mentioned. [21st August 1835.]



*Cap. 25.*

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[21st August 1835.]

*Cap. 26.*

An Act for vesting the Freehold and Leasehold Estates late belonging to *Richard Sparrow* of *Oakland* in the County of *Tipperary*, Esquire, deceased, in Trustees, to be sold for Payment of his Debts, and applying the Surplus for the Benefit of the Devises in the Will of the said Deceased named.  
[25th August 1835.]

*Cap. 27.*

An Act for raising, on the Security of certain Estates in the County of *Wilts* whereof the Right Honourable *Thomas Earl Nelson* is Tenant in Tail, a Sum of Money for the Purpose of discharging the Sum of Ten thousand Pounds equitably charged thereon by *William Earl Nelson*, deceased, in favour of his Daughter *Charlotte Mary Lady Bridport*; and for other Purposes.  
[31st August 1835.]

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*\* Signifies that the Act relates exclusively to Ireland.*

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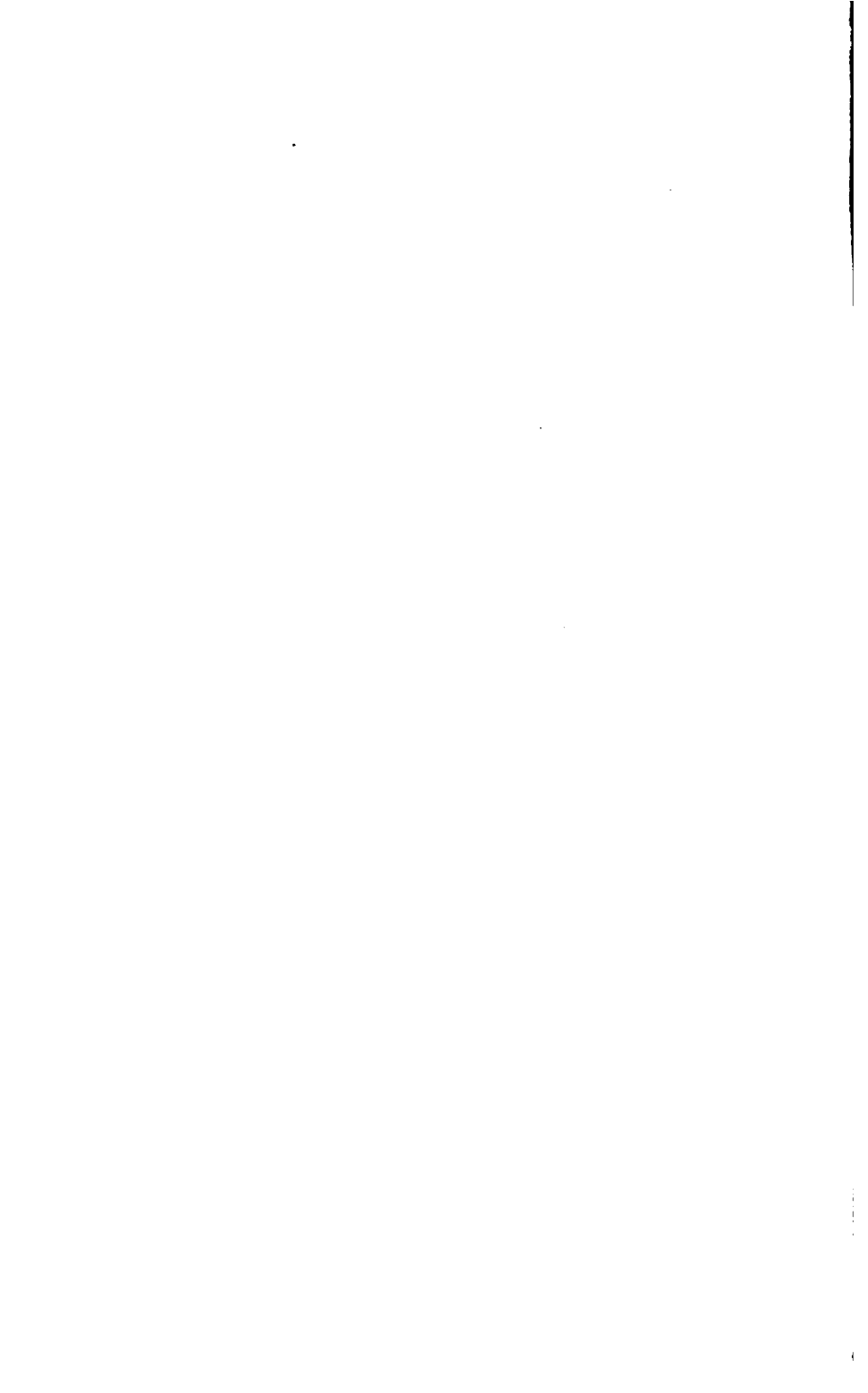
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